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### ASSISTIVE TECHNOLOGY ACT OF 1998

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Mr. JEFFORDS, from the Committee on Labor and Human  
Resources, submitted the following

## REPORT

[To accompany S. 2432]

The Committee on Labor and Human Resources, to which was referred the bill (S. 2432) to support programs of grants to States to address the assistive technology needs of individuals with disabilities and for other purposes, having considered the same, reports favorably thereon and recommends the bill do pass.

### CONTENTS

	Page
I. Introduction and Purpose .....	1
II. Background and Need for the Legislation .....	5
III. Legislative History and Committee Action .....	9
IV. Explanation of the Bill and Committee Views .....	11
V. Cost Estimate .....	38
VI. Application of Law to the Legislative Branch .....	41
VII. Regulatory Impact Statement .....	41
VIII. Section-by-Section Analysis .....	41
IX. Changes in Existing Law .....	57

### I. INTRODUCTION AND PURPOSE

S. 2432 was the result of discussions among Senators and officials of the U.S. Department of Education, as well as discussions with and recommendations from individuals with diverse disabilities and organizations that represent them, and individuals, in both the public and private sectors, with experience and expertise with regard to technology generally and, assistive technology devices and assistive technology services and how to provide them, especially State project directors who operate State assistive technology programs, and representatives of protection and advocacy systems, centers for independent living, as well as rehabilitation

engineers, representatives of national networks of community-based programs for individuals with disabilities, and commercial manufacturers. The legislation was developed through a bipartisan, consensus-based process that preceded committee action.

The purposes of S. 2432, the Assistive Technology Act of 1998 (ATA) are to: (1) support States in sustaining and strengthening their capacity to address the assistive technology needs of individuals with disabilities; (2) focus, across Federal agencies and departments, the investment in technology that could benefit individuals with disabilities; and (3) support micro-loan programs to provide assistance to individuals who desire to purchase assistive technology devices or assistive technology services.

Title I authorizes funding for multiple grant programs from fiscal years 1999 through 2004: continuity grants, challenge grants, millennium grants, and grants to protection and advocacy systems, as well as for a technical assistance program.

The predecessor to the ATA, the Technology-Related Assistance for Individuals with Disabilities Act (the Tech Act) sunsets September 30, 1998. Through the ATA the committee reaffirms the Federal role of promoting access to assistive technology devices and assistive technology services for individuals with disabilities. The committee recognizes that by allowing States flexibility in responding to the assistive technology needs of their citizens with disabilities, the committee is building on and not disrupting the accomplishments of States over the last decade through the State assistive technology programs funded under the Tech Act.

In the ATA the committee streamlines and clarifies the expectations, including expectations related to accountability, associated with continuing Federal support for State assistive technology programs. The committee bill targets specific, proven activities, as priorities, referred to as “mandatory activities” in the ATA. All State grantees must set measurable goals in connection to their use of ATA funds, and both the goals and the approach to measuring the goals must be based on input from a State’s citizens with disabilities.

If a State has received less than 10 years of Federal funding under the Tech Act for its assistive technology program, title I of the committee bill allows a State, which submits a supplement (a continuity grant) to its current Tech Act grant for Federal funds, to use ATA funds for mandatory activities: a public awareness program, interagency coordination, technical assistance and training, and outreach. Such a State also may use ATA funds for discretionary activities: alternative State-financed systems for assistive technology devices and assistive technology services, technology demonstrations, distribution of information about how to finance assistive technology devices and assistive technology services, and operation of a technology-related information system, or participation in interstate activities or public-private partnerships pertaining to assistive technology.

If a State has had 10 years of funding for its assistive technology program through the Tech Act, the State may submit an application for a noncompetitive challenge grant under the ATA. Grant funds must be spent on specific activities—interagency coordination, an assistive technology information system, a public aware-

ness program, technical assistance and training, and outreach activities. States also may spend grant funds on various discretionary activities.

In fiscal years 2000 through 2004, if funding for title I exceeds \$40 million, States operating under challenge grants may apply for additional ATA funding, provided through competitive millennium grants. These grants are to focus on specific State or local level capacity building in an area related to access to technology for individuals with disabilities.

Title I of the committee bill also authorizes funding for protection and advocacy systems in each State to assist individuals with disabilities to access assistive technology devices and assistive technology services, and funding for a technical assistance program, and specifies administrative procedures with regard to monitoring of entities funded under title I of the committee bill.

Because the committee views fiscal year 1999 as a transition year for current grantees of Federal funds for assistive technology, the committee bill provides the Secretary of Education with discretion on how to treat grantees who have completed 10 years of Federal funding under the Tech Act in fiscal year 1998. The Secretary may elect to treat such States as States that will be in their tenth year of Federal funding in fiscal year 1999, even though the States, which have completed 10 years of Federal funding in fiscal year 1998, would in reality be in their eleventh year of funding in fiscal year 1999.

In addition, grantees who have received less than 10 years of funding under the Tech Act for assistive technology programs may elect once, in 2000, to transition from continuity grant status to challenge grant status by submitting a grant application for a challenge grant. A State, however, cannot operate under a continuity grant and a challenge grant simultaneously. A State must elect to operate under one or the other. In addition, fiscal year 2000 is the only year in which a State, that has had less than 10 years of Federal funding, may discontinue operating under a continuity grant, and apply for Federal funding through a challenge grant.

Title II increases coordination among Federal agencies and departments with responsibility for disability, assistive technology, and universal design research. The purposes of increasing such coordination are to enable Federal agencies and departments to take advantage of each other's information and abilities, to expend Federal resources more efficiently, and to improve research outcomes.

Title II also requires the National Council on Disability to report to Congress on the barriers in Federal assistive technology policy to increasing the availability of and access to assistive technology devices and assistive technology services for individuals with disabilities, and the Architectural and Transportation Barriers Compliance Board to provide such training as it deems appropriate to Federal and State employees concerning section 508 of the Rehabilitation Act of 1973.

Title II provides for grants to small businesses to assist them with the design, development, and marketing of assistive technology devices and assistive technology services. Title II also provides for grants to small businesses to work with Federally funded

entities to evaluate and disseminate information on the effects of technology transfer on the lives of individuals with disabilities.

Title II provides for the National Institute on Disability and Rehabilitation Research, and commercial and other organizations, to work with the Federal Laboratory Consortium to promote technology transfer that would further development of assistive technology and products that incorporate the principles of universal design, and provides for grants for commercial and other organizations to develop products that incorporate the principles of universal design.

Title II authorizes grants, cooperative agreements, or other mechanisms, for projects designed to increase the availability of assistive technology for rural and impoverished urban populations, and for projects designed to increase the availability of assistive technology for children and older individuals.

Title II authorizes grants and contracts to help prepare students for careers in rehabilitation engineering, and to help rehabilitation engineering faculty teach such students and enhance their (the faculty's) own capabilities.

Title II also requires the Secretary of Education to report to Congress on the benefits and obstacles to implementing a single assistive technology taxonomy developed by the Secretary (to improve the reliability of information concerning assistive technology).

Finally, Title II authorizes the President's Committee on Employment of People with Disabilities to work with the private sector to increase the private sector's voluntary participation in making information technology accessible to individuals with disabilities.

Title III authorizes a program of grants to States and outlying areas to establish (or expand) a program of alternative financing for individuals with disabilities and their authorized representatives to access and to purchase assistive technology devices and assistive technology services.

Title III sets forth various types of loan and similar programs that may receive funding, states that no State or outlying area may receive more than one grant under title III, and that the Federal share of the cost of any program under title III may not exceed 50 percent.

Title III sets forth the assurances a State and outlying area must make to receive funds under title III, including that they will provide the non-Federal share of the cost of the program, will continue the program on a permanent basis, will emphasize consumer choice and control in the program, and that funds provided for the program will not supplant funds already available for a similar purpose, and that various accounting and investment requirements will be followed in administering the program.

Title III requires a State or outlying area that receives a grant under title III to enter into a contract with a community-based organization with individuals with disabilities involved in organizational decision making, to administer the alternative financing program, to include in the contract any oversight and evaluation provision the Secretary of Education deems necessary to protect Federal financial interests, and to require the community-based organization to enter into a contract with commercial lending institutions or a State financing agency, in administering the program.

A State or outlying area receiving title III funds must submit to the Secretary its policies and procedures concerning the timely review and processing of requests for financial assistance (including methods to minimize paperwork) for assistive technology, the provision of access to the alternative financing program to consumers regardless of type of disability, age, income level, location of residence in the State, or type of assistive technology requested, and concerning consumer-controlled oversight of the alternative financing program.

Title III requires the Secretary of Education to submit an annual report to Congress describing the progress of each alternative financing program funded under title III toward achieving title III's objectives.

## II. BACKGROUND AND NEED FOR THE LEGISLATION

### BACKGROUND

The Congress initially addressed the need to assist States to identify and respond to the assistive technology needs of individuals with disabilities in 1988, through the Technology-Related Assistance for Individuals with Disabilities Act, P.L. 100-407, commonly called the Tech Act. That legislation was reauthorized in 1994, resulting in P.L. 103-218. The initial legislation and its reauthorization were premised on the assumption that individuals with disabilities needed access to assistive technology devices and assistive technology services, and that Federal funds could function both as a catalyst and as leverage to create permanent systemic change within State infrastructures that did, could, or should make assistive technology devices and assistive technology services more readily available to individuals with disabilities. With this assumption came the belief that the need for Federal support was time-limited. That is, after a State received 10 years of funding through the Tech Act, Federal support would no longer be necessary. In fiscal year 1989, nine State grants were awarded on a competitive basis. It took seven years for Tech Act appropriations to reach a point where each State and outlying area received a grant. Thus, in fiscal year 1998 only nine States will have completed a 10 year cycle of Federal funding under the Tech Act.

The Tech Act was ambitious in scope. In addition to the State grant program in title I, in title II the act authorized funding for national studies on the financing of assistive technology, on Federal laws and practices that might impede State assistive technology programs, and on the utility of a national information program and referral network. In addition, title II of the Tech Act authorized funding for training, awareness, and demonstration projects. In 1994, amendments to the Tech Act added a third title that authorized grants for alternative financing mechanisms to expand the means by which individuals with disabilities could purchase assistive technology devices and assistive technology services. During the 10 year life-span of the Tech Act, Congress primarily appropriated funds for only the State grant program.

Since it was difficult to predetermine what would constitute an effective State program under the Tech Act in 1988, States were given maximum latitude to use funds for exploration and planning

and to pursue very diverse paths. The range of allowable grant activities was very broad and had a process rather than an outcome focus. Accountability was more administrative than substantive, thus the effect or impact of Federal funds on a State's approach to addressing the assistive technology needs of individuals with disabilities was difficult to track or to compare with other States.

The amendments to the act in 1994 added funding for protection and advocacy systems to assist individuals with disabilities access assistive technology devices and assistive technology services and redesigned the approach to accountability. Yet, given the continuing requirement to expend Tech Act funds on systemic change, it remained a challenge to systematically and thoroughly track the impact of Federal funds on State approaches, on individuals with disabilities, or to make comparisons across States.

#### NEED FOR LEGISLATION

The committee recognizes that technology—having it and being able to use it—has become a reality of daily life. This reality applies to all Americans and affects the quality of American life. Technology has become one of the primary engines for economic activity, education and innovation in this Nation, and throughout the world. The commitment of the United States to the development and utilization of technology is one of the main factors underlying the strength and vibrancy of the U.S. economy. As technology has come to play an increasingly important role in the lives of all Americans, in the conduct of business, in the functioning of government, in the fostering of communication, in the conduct of commerce, and in the provision of education, its impact upon the lives of America's more than 50 million persons with disabilities has been comparable to its impact upon the remainder of our citizens. No development in mainstream technology can be imagined that would not have profound implications for Americans with disabilities.

The initial conception of assistive technology by Congress in 1988, and the Federal role in making it available to individuals with disabilities, was simplistic. We have learned that technology is not just a device or a service. It is systems working together. Moreover, the committee now knows that access to technology for individuals with disabilities does not just mean access to special devices or services, but access to any device or service that can be used by anyone. Finally, although substantial progress has been made in the development of assistive technology devices, including adaptations to existing products and devices that are part of daily living, the line of demarcation between "assistive" and mainstream technology is becoming ever more difficult to draw. Clearly, much more needs to be done. The Federal Government must remain a partner with State assistive technology programs and others in the public and private sector in addressing the unmet needs and emerging needs of individuals with disabilities related to access and use of technology.

The committee recognizes that the technology challenges related to individuals with disabilities are pervasive and varied. State assistive technology programs have met some of these challenges head-on and should be assisted to continue doing so for several rea-

sons. There is still a lack of resources to pay for assistive technology devices and assistive technology services; a lack of trained personnel to assist individuals with disabilities to use such devices and services; and a lack of information about the availability and potential benefit of technology for individuals with disabilities. Furthermore, there is still a lack of outreach to underrepresented populations, including the aging population and populations in rural areas; still a lack of systems that ensure timely acquisition and delivery of assistive technology devices and assistive technology services; still a lack of pre-service and in-service training for students and professionals in the use of assistive technology; and still a lack of coordination among State human services programs, and between such programs and private service providers. Continuing Federal support to a State will permit the State to address these challenges in ways most appropriate for that State, given its resources, expertise, experience, and approaches to assisting individuals with disabilities to access assistive technology.

Some challenges reach beyond assistance offered by agencies or governments and require proactive changes in how decisions are made with regard to telecommunication systems and information technology, as well as technology generally. Many individuals with disabilities cannot access existing telecommunication systems and information technology. Such individuals are at risk of not being able to access emerging technology. If Federal and State governments, hardware manufacturers, software designers, information systems managers, and telecommunication service providers do not account for the specific needs of individuals with disabilities in the design, manufacture, and procurement of telecommunication systems and information technology, this failure will result in the exclusion of such individuals from the use of telecommunication systems and information technology, triggering unnecessary costs associated with the retrofitting of devices and systems so that individuals with disabilities can use them.

Other challenges that reach beyond agencies or governments are tied to a lack of incentives. Currently there are insufficient incentives for commercial manufacturers to incorporate universal design features into the design and manufacturing of technology products and devices. The application of universal design principles—by building in accommodation before rather than after production—in the development of technology and the built environment reduces the need for many specific kinds of assistive technology devices and assistive technology services. The application of universal design principles also increases the likelihood that products and services will be compatible with existing assistive technologies of daily living. This compatibility could expand their immediate use by individuals with disabilities.

At the Federal level, recent amendments to section 508 of the Rehabilitation Act will reshape Federal procurement policies with regard to the selection and purchase of electronic and information technology, and should foster greater attention by the developers of technology and software to the use of the principles of universal design. However, at the Federal level more is required. There needs to be more effective coordination among Federal agencies that provide or pay for the provision of assistive technology devices and

services. Federal departments and agencies must provide more assistance and information with respect to the quality and use of assistive technology devices and services. The Federal Laboratories, NASA, and other similar entities must commit resources on an ongoing basis to technology transfer initiatives that would benefit, and especially increase the independence of, individuals with disabilities.

Finally, the committee recognizes that there has been insufficient assistance for individuals with disabilities who must or choose to personally finance needed technology. More options must be available to individuals with the need to finance technology.

The ATA was shaped by recommendations from numerous individuals, organizations, corporations, and the executive branch. These recommendations, while recognizing the challenges identified above, unanimously endorsed a continuing Federal role in promoting access for individuals with disabilities to assistive technology devices and services, as well as promoting access to technology generally. There was broad, strong support for providing each State with a full 10 years of funding based on the parameters in the Tech Act. Recommendations especially emphasized continuing Federal support for particular activities that have proven to have a substantial impact on the lives of individuals with disabilities—policy development and interagency coordination with regard to access to assistive technology, public awareness programs and information about the assistive technology needs of individuals with disabilities, technical assistance and training, and outreach to underserved populations, especially the aging population and rural based populations. Several individuals recommended that Federal funds target activities that promote increased investment in the principles of universal design, particularly through changes in procurement policies and greater involvement of individuals with disabilities in the design and testing of prototype technology and aspects of the built environment.

Some recommendations highlighted the beneficial effect of and the pressing need for more technical expertise to assist individuals with disabilities recognize and identify their needs for assistive technology devices and services and to assist these individuals to select the most appropriate device or service. These recommendations indicate that, with access to appropriate technical expertise, both individuals with disabilities and agencies and organizations that finance assistive technology can avoid costly mistakes.

Several organizations urged the committee to allow Federal support for demonstrations and tryouts of assistive technology, since such activities directly and indirectly increase the awareness of the benefits derived from assistive technology. Some recommenders urged Federal support for opportunities—for individuals or entities that control funding for or develop technology in the Federal and private sectors, including small businesses who could develop technology that could be used by individuals with disabilities, and individuals with disabilities—to communicate about new, emerging, or potential technology and unmet technology needs of individuals with disabilities.

Some individuals reaffirmed the special importance of State protection and advocacy systems in securing access to assistive tech-

nology devices and services for individuals with disabilities in diverse settings and the impact of such technology on the lives of those individuals. They also stressed the critical role that protection and advocacy systems play, including in collaboration with State technology programs, in promoting a State's capacity to make assistive technology devices and services available to individuals with disabilities.

Most recommendations included a reference to the need for making technology more affordable to individuals with disabilities. Securing timely financing of assistive technology devices or services is the biggest barrier individuals with disabilities face as they attempt to maintain or expand their independence and participation in the activities of daily living, in school, on the job, at home, and during recreation.

Selected individuals addressed the governance of State technology programs and consumer-responsive ways to influence the use of Federal dollars. These individuals emphasized the need for a State's Assistive Technology Office to have the unfettered authority to promote access to assistive technology for individuals with disabilities in various setting and forums, and by diverse means. These individuals also emphasized the value of input from individuals with disabilities in setting a State's assistive technology goals, and the power of effective interagency coordination in leveraging non-ATA funds for assistive technology purposes.

Individuals encouraged the committee to recognize the need for a technical assistance program that facilitated the timely sharing of best practice and state of the art information to State assistive technology programs and other entities seeking to improve and expand access to assistive technology and technology generally to individuals with disabilities.

The committee knows much more about the impact of technology on the lives of individuals with disabilities now than it did 10 years ago. The committee also knows that rapid advances in technology will challenge and stretch the capacity of the Federal and State governments and other entities. Everyone must work together to keep the needs of individuals with disabilities for access to technology as a central component of decision making related to the development, use, and availability of technology in both the public and private sectors. The ATA provides the tools that will equip governments, organizations, and individuals to meet challenges and leverage resources to make such access to technology more readily available well into the next century.

### III. LEGISLATIVE HISTORY AND COMMITTEE ACTION

On April 29, 1998 the Senate Committee on Labor and Human Resources held a hearing on assistive technology. The following individuals testified:

Judith E. Heumann, Assistant Secretary, Office of Special Education and Rehabilitative Services, U.S. Department of Education, Washington, D.C., accompanied by Katherine D. Seelman, Director of the National Institute on Disability and Rehabilitation Research, Office of Special Education and Rehabilitative Services, U.S. Department of Education, Washington, D.C., and Carol Cichowski, Director, Division of Special Education, Rehabilitation and Research

Analysis, Office of the Undersecretary, U.S. Department of Education, Washington, D.C.;

Sam Jadallah, Vice President, Organization Customer Unit, Microsoft Corporation, Redmond, Washington; accompanied by Greg Lowney, Microsoft Corporation's Director of Accessibility and David Bolnick an Accessibility Program Manager at Microsoft Corporation;

Carol Smith, student and user of assistive technology, Knoxville, Tennessee;

Corey Rowley, Chairperson, National Council on Independent Living Assistive Technology Task Force, Logan, Utah;

James Gashell, Director of Government Affairs, National Federation of the Blind, Baltimore, Maryland;

Lynne Cleveland, Project Director, Vermont Assistive Technology Project, Waterbury, Vermont;

Cris Fulford, TECH ACT Project Manager, ATTAIn Project, Indianapolis, Indiana;

Craig Fulford, student and user of assistive technology, Indianapolis, Indiana; and

Marion Pawlek, Coordinator, New Hampshire Assistive Technology Project, Concord, New Hampshire.

Additional statements with regard to assistive technology were received and entered into the record, including one from Senator Bond of Missouri concerning the importance of Federal support for micro-loan programs to assist individuals with disabilities purchase assistive technology devices and services.

On April 29, 1998 Chairman Jeffords, in conjunction with the hearing on assistive technology, hosted an assistive technology exposition, "Assistive Technology Across the Life Span: Picture the Possibilities", coordinated by the RESNA (Rehabilitation Engineering and Assistive Technology Society of North America) Technical Assistance Project. Over 20 exhibits were included in the expo, representing diverse assistive technology initiatives: assistive technology and young children, assistive technology in the classroom, assistive technology at work, assistive technology solutions for senior citizens, assistive technology in agriculture, assistive technology for learning and literacy, built-in accessibility in every day products, assistive technology use in the Pacific Basin, reaching underserved populations with assistive technology, assistive technology for recreation, assistive technology for the blind and visually impaired, assistive technology for the deaf and hard-of-hearing, a regional equipment recycling program, and accessible housing. In addition, the 50 State assistive technology projects and the projects from the outlying areas, and several national organizations and national information systems participated in the expo by providing information. The organizations and information systems included: RESNA (Arlington, VA), ABLEDATA (Macro International, Inc., Silver Spring, MD), Job Accommodation Network (Morgantown, WV), National Council on Independent Living (Arlington, VA), United Cerebral Palsy Associations, Inc. (Washington, D.C.), and a number of State assistive technology projects.

Senators Jeffords, Harkin and Bond, with co-sponsors Senators Kerry, McConnell, Collins, Kennedy, Reed, and Frist introduced S. 2432, the Assistive Technology Act of 1998 on September 2, 1998.

Additional co-sponsors prior to the mark up by the Committee on Labor and Human Resources included Senators DeWine, Bingaman, Wellstone, Warner, and Dodd.

On September 9, 1998, the Labor and Human Resources Committee reported the bill out favorably on a unanimous vote, with conforming amendments updating references to assistive technology in the Rehabilitation Act.

#### IV. EXPLANATION OF BILL AND COMMITTEE VIEW

The committee believes that the present and future Federal role in promoting access to technology for individuals with disabilities through legislation must allow support for current initiatives and incentives to undertake new initiatives, and for tools that equip governments, organizations, and individuals to respond to emerging and unanticipated technology needs of individuals with disabilities. The ATA increases the availability of, funding for, access to, and provision of, assistive technology devices and assistive technology services by promoting:

- Increased involvement of individuals with disabilities and their family members, guardians, advocates, and authorized representatives, in the maintenance, improvement, and evaluation of State assistive technology programs;

- Increased involvement of individuals with disabilities and, if appropriate, their family members, guardians, advocates, or authorized representatives, in decisions related to the provision of assistive technology devices and assistive technology services;

- Increased outreach to underrepresented populations, including aging and rural populations, to enable the populations to enjoy the benefits of activities carried out under this act to the same extent as other populations of individuals with disabilities;

- Increased coordination among State agencies, between State and local public agencies, among local public agencies, and among State and local public agencies and private entities (e.g., managed care providers), that are or could be involved in carrying out activities under this act;

- Increased awareness of laws, regulations, policies, practices, procedures, and organizational structures, that facilitate the availability or provision of assistive technology devices and assistive technology services; and facilitate the change of laws, regulations, policies, practices, procedures, and organizational structures, that result in the increased availability or provision of assistive technology devices and assistive technology services;

- Enhanced skills and competencies of individuals involved in providing assistive technology devices and assistive technology services;

- Increased awareness and knowledge of the benefits of assistive technology devices and assistive technology services; and

- Increased capacity of public agencies and private entities to provide and pay for assistive technology devices and assistive technology services on a statewide basis for individuals with disabilities of all ages.

In addition, the ATA promotes greater interagency coordination at the Federal level to facilitate a more dynamic and focused Federal investment in actions that will result in increased access to technology by individuals with disabilities and increased involvement of the private sector, including small businesses, to enhance such access. And finally, the ATA authorizes support for micro-loan programs that will assist individuals with disabilities finance assistive technology.

#### DEFINITIONS

The committee bill retains key definitions, some with clarifications, from the Tech Act. In addition, it adds new definitions that clarify responsibilities and opportunities under the act.

The definitions of the terms “advocacy services”, “assistive technology device”, “assistive technology service”, “comprehensive, statewide program of technology-related assistance”, “disability”, “individual with a disability; individuals with disabilities”, “institution of higher education”, “protection and advocacy services”, and “Secretary” are taken in whole or in part from the Tech Act.

The term “assistive technology” in the committee bill means technology designed to be utilized in an assistive technology device or an assistive technology service.

The term “capacity building and advocacy activities” in the committee bill means efforts that result in laws, regulations, policies, practices, or organizational structures that promote consumer-responsive programs or entities and that facilitate and increase access to, provision of, and funding for, assistive technology devices and assistive technology services, in order to empower individuals with disabilities to achieve greater independence, productivity, integration, and inclusion within the community and the work force.

The committee bill distinguishes between the use of the term “consumer-responsive” in two contexts. The term “consumer-responsive”, with regard to policies, means that the policies are consistent with the principles of respect for individual dignity, personal responsibility, self-determination, and pursuit of meaningful careers, based on informed choice, of individuals with disabilities; respect for the privacy, rights, and equal access (including the use of accessible formats), of such individuals; inclusion, integration, and full participation of such individuals; support for the involvement of a family member, a guardian, an advocate, or an authorized representative, if an individual with a disability requests, desires, or needs such support; and support for individual and systems advocacy and community involvement.

With respect to an entity, program, or activity, the term “consumer-responsive” means that the entity, program, or activity is easily accessible to, and usable by, individuals with disabilities and, when appropriate, their family members, guardians, advocates, or authorized representatives; responds to the needs of individuals with disabilities in a timely and appropriate manner; and facilitates the full and meaningful participation of individuals with disabilities (including individuals from underrepresented populations, including aging and rural populations) and their family members, guardians, advocates, and authorized representatives, in decisions relating to the provision of assistive technology devices

and assistive technology services to such individuals; and decisions related to the maintenance, improvement, and evaluation of the comprehensive statewide program of technology-related assistance, including decisions that affect and activities related to advocacy and capacity building.

In recognition of the fact that many individuals can benefit from information and activities supported by ATA funds, the committee bill includes a definition of these individuals, referred to as “targeted individuals” in the act. The term “targeted individuals” means: individuals with disabilities of all ages and their family members, guardians, advocates, or authorized representatives; individuals who work for public or private entities (including insurers or managed care providers), who have contact with individuals with disabilities; educators and related services personnel; technology experts (including rehabilitation engineers and technicians); health and allied health professionals; employers; and other appropriate individuals and entities.

The term “technology-related assistance” means assistance provided through capacity-building and advocacy activities that accomplish the purposes described in any of subparagraphs (A) through (K) of section 2(b)(1) of the committee bill.

The term “underrepresented population”, when used in the committee bill, means a population that is typically underrepresented in service provision, and includes populations such as persons who have low-incidence disabilities, persons who are minorities, poor persons, persons with limited-English proficiency, older individuals, or persons from rural areas.

In the committee bill the term “universal design” means a concept or philosophy for designing and delivering products and services that are usable by people with the widest possible range of functional capabilities. This includes products and services that are directly usable (without requiring assistive technologies) and those that are made compatible with assistive technologies.

## Title I—State Grant Programs

In order to provide State assistive technology programs with options for a smooth transition to new funding opportunities and to assist the Secretary in managing the transition and conversion to the new grant options, three State grant programs are authorized in the committee bill: (1) funding for States that have had less than 10 years of funding under the Tech Act (continuity grants); (2) funding for States that have completed 10 years of funding (challenge grants) under the Tech Act; and (3) funding for States that seek to undertake additional statewide initiatives or assist local communities (millennium grants). Continuity grant requirements are broader in scope, yet are more specific than requirements related to challenge grants. Millennium grants are very targeted.

### CONTINUITY GRANTS

#### *Mandatory activities*

States with less than 10 years of funding under the Tech Act must submit to the Secretary a grant supplement that outlines mandatory activities the State will undertake under the ATA.

*Public awareness activities.* Such activities must include a public awareness program designed to provide information relating to the availability and benefits of assistive technology devices and assistive technology services to targeted individuals. Such a public awareness program must include linking to the National Public Internet Site authorized under section 106(c)(1), and may also include: the development and dissemination of information relating to the nature of assistive technology devices and assistive technology services; the appropriateness of, cost of, availability of, evaluation of, and access to, assistive technology devices and services; and the benefits of assistive technology devices and assistive technology services with respect to enhancing the capacity of individuals with disabilities of all ages to perform activities of daily living in school, on the job, at home, and during recreation; the development of procedures for providing direct communication among providers of assistive technology and targeted individuals; and the development and dissemination of information about State efforts related to assistive technology to targeted individuals.

*Policy development and interagency coordination activities.* Mandatory activities must also include interagency coordination that relates to the State developing and promoting the adoption of policies that improve access to assistive technology devices and assistive technology services to individuals with disabilities and result in better coordination among public and private entities that are or could be responsible for policies, procedures, funding, or the provision of assistive technology devices and assistive technology services to individuals with disabilities of all ages. As part of this effort, the director of the lead agency under section 101(d) of the committee bill or the director's designee, must be appointed to any committee, council, or like organization created by the State to assist the State in the development of its information technology policy.

Interagency coordination activities may include support for policies that result in: improved coordination, including coordination between public and private entities, in the application of Federal and State policies, and in the use of resources and services relating to the provision of assistive technology devices and assistive technology services, including the use of interagency agreements, and improving access to assistive technology devices and services for individuals of with disabilities of all ages; convening of interagency work groups, involving public and private entities, to identify, create, or expand current funding options and coordinate access to funding for assistive technology devices and assistive technology services for individuals with disabilities of all ages (with special attention to issues of transition—such as from school to work, or programs under part C of the Individuals with Disabilities Education Act to programs under part B of such Act—home use, and individual involvement in the identification, planning, use, delivery, and evaluation of assistive technology devices and services); or documenting and disseminating information about interagency activities that promote coordination, including coordination between public and private entities, including evidence of increased participation of State and local educational agencies, State vocational rehabilitation programs, and State medical assistance agencies and de-

partments, with respect to assistive technology devices and assistive technology services.

*Technical assistance and training activities.* Mandatory activities must also include technical assistance and training, through which the State is to carry out directly, or provide support to public or private entities to carry out, such activities for targeted individuals. Such technical assistance and training activities are to include the development and implementation of statutes, regulations, policies and procedures that promote access to assistive technology devices and services to individuals with disabilities through education, health care, employment, and community living, and in other contexts such as leisure activities and the use of telecommunications. In addition, such activities are to encompass the development of training materials and the conduct of training in the use of assistive technology devices and assistive technology services; technical assistance, including how to consider the needs of an individual with a disability for assistive technology devices and assistive technology services in developing any individualized plans or programs authorized under Federal or State law, such as under the Individuals with Disabilities Education Act; and how the rights of the persons to assistive technology devices and assistive technology services are addressed under any law other than this act. Furthermore, these activities must promote fuller independence, productivity, and inclusion in and integration into society of such persons; or increase consumer participation in the identification, planning, use, delivery, and evaluation of assistive technology devices and assistive technology services. Finally, these activities are expected to enhance the assistive technology skills and competencies of individuals who work for public or private entities (including insurers and managed care providers), who have contact with individuals with disabilities; educators and related services personnel; technology experts (including engineers); health and allied health professionals; employers; and other appropriate personnel; and facilitate the development of standards, or, when appropriate, the application of such standards, to ensure the availability of qualified personnel.

*Outreach activities.* Finally continuity grants must provide support to statewide and community-based organizations that provide assistive technology devices and assistive technology services to individuals with disabilities or that assist individuals with disabilities in using assistive technology devices and assistive technology services, including organizations that focus on underrepresented populations, especially aging or rural populations with disabilities. Such support may include outreach to consumer organizations and groups in the State to coordinate efforts (including self-help, support groups, and peer mentoring) to assist individuals with disabilities of all ages and their family members, guardians, advocates, or authorized representatives, to obtain funding for, access to, and information on evaluation of assistive technology devices and assistive technology services.

The committee recognizes the experience and expertise of the USDA AgrAbility program in providing information and for people with disabilities in agriculture, including assistive technology, and

encourages that outreach activities utilize this experience and expertise.

*Discretionary activities*

Since the committee recognizes that States with less than 10 years of funding under the Tech Act are in the process of exploring how to provide greater access to assistive technology devices and assistive technology services to individuals with disabilities, the committee bill gives continuity grantees the discretion to undertake a range of “discretionary activities”.

*Access and funding activities.* Grantees may support activities to increase access to and funding for assistive technology. Grantees may support the development of systems that provide assistive technology devices and assistive technology services to individuals with disabilities of all ages, or that pay for such devices and services. Such systems could be for the purchase, lease, other acquisition, or payment for the provision, of assistive technology devices and assistive technology services. Grantees may support the establishment of alternative State or privately financed systems of subsidies for the provision of assistive technology devices and assistive technology services, such as: a loan system for assistive technology devices; an income-contingent loan fund; an interest buy-down loan program; a low-interest loan fund; a revolving loan fund; a loan guarantee program; or a partnership with private entities for the purchase, lease, or other acquisition of assistive technology devices and the provision of assistive technology services. Grantees may also provide the short-term loan of assistive technology devices to individuals, employers, public agencies, or public accommodations seeking to comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794). Such a grantee also may maintain information about, and operate recycling centers for, the redistribution of assistive technology devices and equipment that may include device and equipment loans, rentals, or gifts.

Grantees, through public agencies or non-profit organizations, may support assistance to individuals with disabilities and their family members, guardians, advocates, and authorized representatives about options for securing assistive technology devices and assistive technology services that would meet individual needs for such assistive technology devices and assistive technology services.

*Demonstration activities.* Grantees, in collaboration with other entities in established, recognized community settings (e.g., non-profit organizations, libraries, schools, community-based employer organizations, churches, senior citizen centers, shopping malls, health clinics) may demonstrate assistive technology devices where targeted individuals can see and try out assistive technology devices, and learn more about the devices from personnel who are familiar with such devices and their applications or can be referred to others who have such information.

*Information system.* Continuity grants may support a system for public access to information concerning an activity carried out under another part of the grant, including information about assistive technology devices and assistive technology services, funding sources and costs of such assistance, and individuals, organiza-

tions, and agencies capable of carrying out such an activity for individuals with disabilities that is part of and complements what is available through the grant's link to the National Public Internet Site. Access to such a system may be provided through community-based entities, including public libraries, centers for independent living, community rehabilitation programs, schools, senior citizen centers, State vocational rehabilitation offices, other State workforce offices, and other locations frequented or used by the public.

If a grantee elects to operate or expand a technology-related information system, the grantee may develop, compile, and categorize print, large print, braille, audio, and video materials, computer disks, compact discs (including compact discs formatted with read-only memory), and through other alternative formats, information that can be used in telephone-based information systems, and such other media as technological innovation may make appropriate. The grantee may also identify and classify existing funding sources, and the conditions of and criteria for access to such sources, including any funding mechanisms or strategies developed by the State. Grantees may identify existing support groups and systems designed to help individuals with disabilities make effective use of an activity carried out under another part of the grant, including groups that provide evaluations of assistive technology devices and assistive technology services. And finally, the grantee may maintain a record of the extent to which citizens of the State use or make inquiries of the system, and of the nature of such inquiries.

*Inter-State activities and public-private partnerships.* Grantees also have discretion to enter into cooperative agreements with other States to expand the capacity of the States involved to assist individuals with disabilities of all ages to learn about, acquire, use, maintain, adapt, and upgrade assistive technology devices and assistive technology services that such individuals need at home, at school, at work, or in other environments that are part of daily living. The grantee may operate or participate in an electronic information exchange through which the State may communicate with other States to gain technical assistance in a timely fashion and to avoid the duplication of efforts already undertaken in other States. Finally, the grantee may support partnerships and cooperative initiatives between the public sector and the private sector to promote greater participation by business and industry in the development, demonstration, and dissemination of assistive technology devices; and the ongoing provision of information about new products to assist individuals with disabilities.

The committee anticipates that when continuity grantees transition to challenge grants that support for optional activities and some discretionary activities will be institutionalized and supported by funds in addition to or in lieu of ATA funds. In addition, the committee anticipates that, even though State protection and advocacy systems will now have separate, direct funding from the U.S. Department of Education under section 104 of the committee bill, States may elect to continue to provide financial assistance to such protection and advocacy systems to engage in a wide range of advocacy activities. The committee endorses the continuation of such assistance through continuity grants and challenge grants as well.

### *Funding*

Funding for continuity grants will be calculated on the same basis as that that would have applied under the Tech Act. That is, continuity grantees may anticipate reductions in Federal funding in the ninth and tenth year of continuous Federal support encompassing support under the ATA.

### *Application supplement*

To receive funding under the committee bill, a State seeking to operate under a continuity grant must submit an application supplement to the grant it initially submitted under the Tech Act, at a time and for a period specified by the Secretary.

*Accountability.* The supplement must contain a description of the goals the State has set, including any related to health care, education, employment, telecommunication and information technology, or community living, including recreation; and the activities the State will undertake to achieve such goals in addressing the assistive technology needs of individuals with disabilities in the State that are consistent with the requirements in section 2(b)(1) of the committee bill. In the supplement the State must also include a description of how the State will measure whether the goals set by the State have been achieved. Furthermore the supplement must include a description of how individuals with disabilities of all ages and their families were involved in selecting the State's goals; the activities to be undertaken in achieving the goals; and the measures to be used in judging if the State's goals have been achieved; and how such individuals will be involved in assessing if the State's goals have been achieved.

Governance under continuity grants should continue as under the Tech Act, unless the Governor, with good cause, redesignates the lead agency. If the Governor elects to designate a new lead agency the Governor must submit with the application supplement, the following information with regard to the original lead agency: evidence of lack of progress with employment of qualified staff; lack of consumer-responsive activities; lack of resource allocation to systems change and advocacy activities; lack of progress with meeting the assurances in section 102(e) of the Tech Act or inadequate fiscal management.

In addition, with regard to the new lead agency, in the application supplement the Governor must include a description of the new lead agency's capacity to administer and conduct grant activities, and the procedures that will be put in place to avoid the recurrence of grant deficiencies associated with the original lead agency; and which agency prepared the application supplement.

States are not required under this act, as they were under the Technology-Related Assistance for Individuals with Disabilities Act, to direct a percentage of their funds to entities that provide protection and advocacy services. However, nothing in this act should be construed to prevent States from contracting with such entities to conduct activities authorized under this act.

*Administrative provisions.* The committee bill gives the Secretary administrative flexibility. Until the Secretary approves a State's application supplement to the grant it initially submitted under the Tech Act, a State shall operate under the conditions of the Tech

Act grant. When the Secretary notifies the State to submit the application supplement to the initial grant submitted under the Tech Act, the Secretary shall specify in the notification the time period to be covered. The Secretary shall determine and specify to the State the time period for which the application supplement is to apply. Such time period for any State shall not extend beyond what would have been the tenth year of funding for that State under the Tech Act, with one exception. For a State that completes 10 years of funding under the Tech Act in fiscal year 1998, the Secretary has the discretion to award a one-year extension for fiscal year 1999 to such a State if the State submits an application supplement and meets other related requirements of a State seeking financial assistance under a continuity grant. A State to which a one-year extension is granted, shall receive in fiscal year 1999 an amount equivalent that which it received in fiscal year 1998 under the Tech Act.

One time only, in fiscal year 2000, the committee bill allows any State eligible to receive funds under a continuity grant to opt instead to meet the conditions of and receive funding through a challenge grant. No State shall receive funds under a continuity grant and a challenge grant simultaneously.

Grants to States and outlying areas under title I of the Tech Act were made for a variety of 12-month periods that do not necessarily coincide with the Federal fiscal year. The committee recognizes that the Secretary has the discretion to set each grant period, and to continue the policy of staggering grant awards from funds appropriated for any Federal fiscal year, including for States that elect in fiscal year 2000 to convert from a continuity grant to a challenge grant.

#### SECTION 102—CHALLENGE GRANTS

The committee bill requires the Secretary to provide financial assistance to States for 5 years to maintain and improve consumer-responsive comprehensive statewide programs of technology-related assistance for individuals with disabilities. Any State that receives a challenge grant must have undertaken an assessment of the needs for assistive technology devices and assistive technology services of individuals with disabilities, as reported by such individuals and through other means, and where appropriate, promote, consider, take into account, and incorporate the principles of universal design. Grant funds shall be used to accomplish the purposes of section 2(b)(1) of the committee bill by carrying out mandatory activities: interagency coordination, maintenance of an assistive technology information system, maintenance of a public awareness program, technical assistance and training, and outreach. It is the committee's view that these mandatory activities are inter-related, and when undertaken bring about the most visible, permanent improvements in access to assistive technology devices and services for individuals with disabilities.

*Policy development and interagency coordination activities.* Challenge grantees must develop and promote the adoption of policies that improve access to assistive technology devices and assistive technology services to individuals with disabilities and result in improved coordination among public and private entities that affect

the provision of assistive technology devices and assistive technology services to individuals with disabilities of all ages in the State. As part of this effort, the director of the State Assistive Technology Office under section 102(d)(1) of the committee bill or the director's designee, must be appointed to any committee, council, or like organization created by the State to assist the State in the development of its information technology policy.

*Statewide information and referral system.* In addition, a challenge grantee must provide for the continuation and enhancement of a statewide information and referral system, including an accessible website with linkages to other appropriate sites, such as the National Public Internet Site, for individuals with disabilities and other targeted individuals. The system shall provide for public access to information about assistive technology devices and assistive technology services, including information on the evaluation of such devices and services and entities that provide such evaluations, and funding sources and costs of such assistance.

*Public awareness activities.* The challenge grantee must support, in collaboration with targeted individuals, targeted public awareness campaigns designed to provide information about the availability, through public and private sources, and benefits of assistive technology devices and assistive technology services for targeted individuals.

*Capacity building and advocacy activities; technical assistance and training activities.* The challenge grantee must support capacity building activities that include: the development and implementation of statutes, regulations, policies and procedures that promote access to assistive technology devices and assistive technology services to individuals with disabilities through education, health care, employment, and community living, and in other contexts such as leisure activities and the use of telecommunications; and the training and preparation of personnel to design, build, provide instruction on the use of, repair and recycle assistive technology devices and also to provide assistive technology services. The grantee must also support public or private entities to carry out targeted training and technical assistance activities.

*Outreach activities.* And finally, the challenge grantee must provide support to statewide and community-based organizations that provide assistive technology devices and assistive technology services to individuals with disabilities or that assist individuals with disabilities in using assistive technology devices and assistive technology services, including organizations that focus on underrepresented populations, especially elderly and rural populations. Such support may include outreach to consumer organizations and groups in the State to coordinate efforts (including self-help, support groups, and peer mentoring) to assist individuals with disabilities of all ages and their family members, guardians, advocates, or authorized representatives, to obtain funding for, and access to, assistive technology devices and assistive technology services.

The committee recognizes the experience and expertise of the USDA AgrAbility program in providing information to and assistance for people with disabilities in agriculture, including assistive technology, and encourages that outreach activities utilize this experience and expertise.

*Other activities.* A State funded under a challenge grant may carry out additional activities authorized under the Tech Act, or other activities identified by the State or the Secretary, to which the Secretary gives approval.

#### *Funding*

The committee bill requires that the Secretary shall calculate challenge grant payments on the basis of a minimum of \$500,000 for each State, the remainder to be distributed to States on the basis of State population and population density.

#### *Administrative requirements*

Any State that desires to receive a challenge grant shall submit a State Technology Plan that contains certain information and assurances.

*Organization-related provisions.* The plan shall include a designation by the Governor and a description of the public agency responsible for controlling the funds for carrying out activities funded under this section and a designation of the entity that is to be the State Assistive Technology Office (or Program), if such entity is different than the public agency. In designating the entity to be the State Assistive Technology Office, the Governor may designate a commission, council, or other official body appointed by the Governor; a public-private partnership or consortium; a public agency, including the immediate office of the Governor of the State, a State oversight office, a State agency, an institution of higher education, university affiliated program, or other public entity; a council established under other Federal law or State law; or another appropriate office, agency, entity, or individual.

The plan must describe how the entity designated as the State Assistive Technology Office has the expertise, experience, and ability to provide leadership in developing State policy related to assistive technology, including policy relating to the procurement of accessible electronic and information technology by State agencies and the incorporation of principles of universal design in the State infrastructure; respond to assistive technology needs across all disabilities and ages; promote availability throughout the State of assistive technology devices and assistive technology services; promote and implement system improvement and policy advocacy activities pertaining to assistive technology devices and assistive technology services; work proactively and collaboratively with State agencies and private entities involved in funding and delivering assistive technology devices and assistive technology services; provide technical assistance for capacity building, training, and enhancement of access to funding for assistive technology across all State agencies; promote and develop public-private partnerships related to assistive technology devices and assistive technology services; exercise leadership in identifying and responding to the technology needs of individuals with disabilities and their family members, guardians, advocates, and authorized representatives; and promote consumer confidence, responsiveness and advocacy related to assistive technology devices and assistive technology services.

*Public involvement in plan.* The plan must describe the involvement of entities in the development and implementation of the

grant, including: a description of the nature and extent of involvement of various public and private entities in the preparation and the planned implementation of the grant; a description of how targeted individuals, especially individuals who use assistive technology, were involved in the development and planned implementation of the grant. Moreover, the plan is to include a description of an advisory group of targeted individuals, a majority of whom are individuals with disabilities and parents of such individuals, who will assist the State Assistive Technology Office, to identify the unmet assistive technology needs of individuals with disabilities, and assist the Office to decide how the assistive technology needs of such individual will be addressed by the State.

*Accountability.* The plan is to include a description and results of a needs assessment from which the State's goals were derived; and a description of State resources and other resources that are available to commit to the maintenance of a consumer-responsive comprehensive statewide program of technology-related assistance.

The plan must include a description of the goals the State has set, including any related to health care, education, employment, including goals involving the State vocational rehabilitation program, telecommunication and information technology; or community living, including recreation, and the activities the State will undertake to achieve such goals in addressing the assistive technology needs of individuals with disabilities in the State that are consistent with the requirements in section 2(b)(1); and a description of how the State will measure whether the goals set by the State have been achieved. In addition, the plan must contain a description of how individuals with disabilities of all ages and their families were involved in selecting the State's goals; the activities to be undertaken in achieving the goals; and the measures to be used in judging if the State's goals have been achieved; and how these individuals will be involved in determining if the State's goals were met.

With regard to data collection, the plan must contain a description of the data collection system used for compiling information on the program that is consistent with any standardized data collection requirements specified by the Secretary.

*Assurances.* The plan must include numerous assurances: an assurance that the State, and any recipient of funds made available to the State under this section, no later than fiscal year 2001, shall have procurement policies and procedures in place that are consistent with the intent, complaint procedures, and standards under section 508 of the Rehabilitation Act; an assurance that the State will conduct an annual assessment of the consumer-responsive comprehensive statewide program of technology-related assistance, in order to determine the extent to which the State's goals, have been achieved; and the areas of need that require attention in the next year; an assurance that amounts received under the grant will be expended in accordance with the provisions of the committee bill that relate to challenge grants; an assurance that amounts received under the grant will be used to supplement, and not supplant, amounts available from other sources that are expended for technology-related assistance, including the provision of assistive technology devices and assistive technology services; and not be used

to pay a financial obligation for technology-related assistance (including the provision of assistive technology devices or assistive technology services) that would have been paid with amounts available from other sources if amounts under the grant had not been available; an assurance that public agency shall control and administer amounts received under the grant; and a public agency shall hold title to and either the agency or an individual with a disability control property purchased with such amounts; an assurance that the State will prepare reports to the Secretary in such form and containing such information as the Secretary may require to carry out the Secretary's functions under this section, and keep such records and allow access to such records as the Secretary may require to ensure the correctness and verification of information provided to the Secretary; and an assurance that amounts received under the grant will not be commingled with State or other funds. The committee bill specifies that the term "commingling" shall not be construed to prevent, subject to documentation satisfactory to the Secretary, pooling of amounts received under the grant with other public or private funds to achieve a goal specified in the grant. Additional assurances that must be included in the plan are: an assurance that the State will adopt such fiscal control and accounting procedures as may be necessary to ensure proper disbursement of and accounting for amounts received under the grant; an assurance that the State will make available to individuals with disabilities and their family members, guardians, advocates, or authorized representatives information concerning technology-related assistance in a form that will allow such individuals to effectively use such information; an assurance that the State Assistive Technology Office will have the authority to use funds made available through a grant made under this section; an assurance that the State will develop and implement strategies for including personnel training regarding assistive technology within other Federally funded and State-funded training initiatives to enhance assistive technology skills and competencies of such personnel; an assurance that the percentage of the funds received under the grant that is used for indirect costs shall not exceed 10 percent; an assurance that the State Assistive Technology Office will coordinate the activities funded through a grant made under this section with the activities carried out by other councils within the State; and an assurance that the State will provide such other information and assurances as the Secretary may reasonably require.

*Reports.* Each State that receives a challenge grant must submit annually to the Secretary a report that documents progress in meeting its goals and maintaining a consumer-responsive comprehensive statewide program of technology-related assistance, including (1) the results of the annual assessment; (2) to the extent not addressed through the State's goals or needs assessment, the capacity building activities carried out by the State, including a description of any written policies and procedures that the State has developed and implemented regarding access to, provision of, and funding for, assistive technology devices and assistive technology services, particularly policies and procedures regarding access to, provision of, and funding for, such devices and services under education (including special education), vocational rehabilitation, and

medical assistance programs; and (3) if not addressed through the State's goals, needs assessment, or capacity building activities, the degree of involvement of various State agencies and private entities, especially those involved with health insurance and education, in the development, implementation, and evaluation of the program, including any interagency agreements that the State has developed and implemented regarding access to, provision of, and funding for, assistive technology devices and assistive technology services such as agreements that identify available resources for assistive technology devices and assistive technology services and the responsibility of each agency for paying for such devices and services.

#### SECTION 103—MILLENNIUM GRANTS

The committee bill requires that on a competitive basis, subject to the conditions in section 107(b)(2) of the bill, the Secretary to award supplementary grants for not more than 5 years to States to engage in statewide capacity building activities in collaboration with other public or private partners, to expand the capacity of the State to address the unmet assistive technology needs of individuals with disabilities through one or more of several specific targeted activities; or to conduct through a subgrant process or other mechanism, competitions for local entities for funding to undertake targeted activities to address unmet needs for assistive technology and assistive technology services, especially to underrepresented populations.

##### *Statewide capacity building activities.*

The committee bill specifies that the Secretary may provide funds to a State that submits a successful supplement to a grant awarded under section 102, and elects to carry out one or more of the following activities: (1) obtain through State law or other equivalent means compliance among all public agencies with section 508 of the Rehabilitation Act, which shall include a mechanism for informing individuals with disabilities of their rights with regard to section 508, addressing their complaints, and establishing of a lead agency to monitor and enforce compliance with section 508 of the Rehabilitation Act; (2) review, document, develop and implement a plan for enhancing the participation of all individuals with disabilities of the State, in education, employment, transportation, communication, and general access in ways that complement and exceed what is required by public and private entities under the Americans with Disabilities Act of 1990, through the incorporation of concepts of universal design in physical structures, products, and services, or fiscal-related incentives to public and private telecommunication ventures; (3) develop and implement activities for incorporating the principles of universal design in the construction and renovation of facilities and information technology and telecommunications and other products and services such as transportation; (4) plan and adopt State personnel standards or professional certification procedures that apply to individuals who or entities that provide assistive technology services; (5) conduct evaluations of assistive technology devices and assistive technology services, including computer software, for the purpose of evaluating and docu-

menting the effectiveness, benefits, and compatibility with other technologies, for people with disabilities, of such devices and services; or (6) engage in another activity, pursuant to a priority announced by the Secretary, that will have a statewide impact and address the unmet assistive technology needs of individuals with disabilities.

#### *Local capacity building activities*

If a State elects not to submit a supplement to its challenge grant for a statewide capacity building activity, it may elect to submit a supplement to support local capacity building activities. A State that pursues this option and receives a millennium grant may provide subgrants to local entities that submit successful plans to carry out one of any of the following activities: (1) creation and operation of micro-loans and an alternative financing program; (2) creation and operation of equipment demonstrations in community settings frequented by the public; (3) creation and operation of an equipment loan (both long and short term) program; creation and operation of an equipment recycling program; (4) development and implementation of outreach and training, especially empowerment training, of individuals with disabilities, teachers and parents of individuals with disabilities, and underserved populations; or (5) other initiatives, including model innovations, that meet an unmet local need related to assistive technology.

#### *Funding*

Subject to the conditions in section 107(b)(2) of the committee bill, the Secretary shall make payments to States, which successfully compete for supplementary grants according to several requirements. The amount awarded to a successful State applicant for a millennium grant may be expended over the grant period. Any millennium grantee that requests funds that exceed \$250,000 must provide a \$1 match for every \$2 of the grant amount above \$250,000.

#### *Other grant requirements*

Any State that desires to receive a millennium grant must submit an application that contains certain information and assurances.

*Partners.* With regard to partners in the millennium grant, the grant must contain an assurance that the State Assistive Technology Office participated in the development of the grant and will participate in the implementation of the grant even if the State Assistive Technology Office is not the actual grant applicant. It must also contain a description of the partners in the grant, including: the identity of each partner; the role of each partner in preparing the grant; the capacity of each partner to contribute to grant activities; and the contribution of each partner to grant activities.

*Targeted individuals involvement.* The grant must include a description of how targeted individuals, especially individuals with disabilities who use assistive technology, were involved in developing the grant and will be involved in grant activities; data that affected the selection of the focus of the grant; and a description of

State resources and other resources that are committed to carry out the grant.

*Accountability.* The grant is to contain a description of the goals of the supplementary grant; the activities the State will undertake to achieve such goals; a description of how the State will measure whether the goals set by the State have been achieved; a description of how individuals with disabilities of all ages and their families were involved in selecting the State's goals; the activities to be undertaken in achieving the goals; and the measures to be used in judging if the State's goals have been achieved; and how these individuals will be involved in determining if the State's goals have been achieved.

The grant must include an assurance that the State will conduct an annual assessment of the extent to which the State's goals have been achieved; and the areas of need that require attention in the next year; an assurance that amounts received under the grant will be expended (by the State or subgrantees if applicable) in accordance with the grant application; an assurance that amounts received under the grant shall be used (by the State or subgrantees if applicable) to supplement and not supplant funds committed to any activity carried out under this grant; an assurance that the grantee (the State or subgrantees if applicable) will prepare reports to the Secretary in such form and containing such information as the Secretary may require to carry out the Secretary's functions under this section; and keep such records and allow access to such records as the Secretary may require to ensure the correctness and verification of information provided to the Secretary.

*Assurances.* In addition, the millennium grant must include assurances that amounts received under the grant will not be commingled with State or other funds. The term "commingling" shall not be construed to prevent, subject to documentation satisfactory to the Secretary, pooling of amounts received under the grant with other public or private funds to achieve a goal specified in the grant. The grantee will adopt such fiscal control and accounting procedures as may be necessary to ensure proper disbursement of and accounting for amounts received under the grant; as specified in millennium grant, grant partners will have the authority to use funds made available through the grant; the percentage of the funds received under the grant that is used for indirect costs shall not exceed 10 percent. Finally, grantees are expected to ensure the provision of other information and assurances as the Secretary may reasonably require.

*Joint submissions.* A State may submit an application for funding under a millennium grant when the State submits its State technology plan under section 102 of the committee bill. Such a joint submission must distinguish between challenge grant and millennium grant activities and include a budget that separately reflects proposed expenditures for challenge and millennium grant activities for each fiscal year involved.

Each State that receives a millennium grant and any other entity that receives a subgrant or other mechanism of assistance through a millennium grant shall submit annually to the Secretary a report that documents progress in meeting its goals, and any other information the Secretary may reasonably require.

SECTION 104—STATE GRANTS FOR PROTECTION AND ADVOCACY  
RELATED TO THE PROVISION OF ASSISTIVE TECHNOLOGY

Upon the appropriation of funds under section 107, the committee bill requires the Secretary to provide financial assistance for 6 years to an entity in each State to support protection and advocacy services through the systems established to provide protection and advocacy under the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.) for the purposes of assisting in the acquisition, utilization, or maintenance of assistive technology devices or assistive technology services for individuals with disabilities (except that for a State currently covered by 29 U.S.C. 2212(f)(1) of the Technology-Related Assistance for Individuals with Disabilities Act, the lead agency or State Assistive Technology Office in that State, depending on whether the State is receiving funds under section 101 or 102, shall determine how the funds authorized by this section shall be divided among the entities currently providing protection and advocacy services). The committee further expects the agency or office to determine the appropriate division and to make whatever funds it determines to allocate to an entity described in section 104(a)(1) available, as soon as possible after the agency or office receives the funds. Such funds shall be made available without condition to such an entity (except that such entity must agree to be subject to the same requirements as an entity under section 104(a)(1) that receives funds directly from the Secretary under this act).

An entity that receives a grant under section 104 of the committee bill shall prepare an annual report that contains such information as the Secretary may require, including documentation of progress in conducting consumer-responsive activities, including those that will lead to increased access to funding for assistive technology devices and assistive technology services; engaging in informal advocacy to assist in securing assistive technology and assistive technology services for individuals with disabilities; engaging in formal representation for individuals with disabilities to secure systems change and advocacy activities to secure assistive technology devices and assistive technology services for individuals with disabilities; developing and implementing strategies to enhance the long-term abilities of individuals with disabilities and their family members, guardians, advocates, and authorized representatives to advocate for assistive technology devices and assistive technology services to which the individuals with disabilities are entitled under law other than this act; and coordinating activities with protection and advocacy services funded through sources other than this title, and coordinating activities with the capacity and advocacy activities carried out by the State lead agency.

Upon making a grant under this section, the Secretary shall solicit and consider the opinions of the lead agency of the State, or the State Assistive Technology Office, as appropriate, with respect to efforts at coordination, collaboration, and outcomes between the lead agency or the State Assistive Technology Office, as appropriate, and the entity funded under section 104 of the committee bill.

A State protection and advocacy entity funded under section 107(d) of the committee bill shall submit to the State lead agency or State Assistive Technology Office the report submitted to the Secretary and quarterly updates concerning its activities undertaken under this grant.

#### SECTION 105—ADMINISTRATIVE PROVISIONS

The committee bill requires that the Secretary assess the extent to which grantees funded under this act are complying with the applicable requirements of this act and achieving the goals that are consistent with the requirements of the grant program under which they applied for Federal financial assistance. The committee bill requires the Secretary to conduct an onsite visit for each State participating in a grant under section 101 of the committee bill, which during the year would have been a State's third or fourth year of a second extension grant under the Technology-Related Assistance for Individuals with Disabilities Act of 1988, if that act had been reauthorized; and each State participating through a grant under section 102, prior to the end of the third or fourth year of that grant. The Secretary shall not be required to conduct the visits if the Secretary determines that the visit is not necessary to assess whether the State is making significant progress toward development and implementation of a consumer-responsive comprehensive statewide program of technology-related assistance.

The Secretary must provide advance public notice of the onsite visit and solicit public comment through such notice from targeted individuals, regarding State goals and related activities to achieve such goals funded through a grant made under section 102. At a minimum the visits shall allow the Secretary to determine the extent to which the State is making progress in meeting its identified goals and maintaining a consumer-responsive comprehensive statewide program of technology-related assistance consistent with the purposes described in section 2(b)(1) of the committee bill.

To assist the Secretary in carrying out the responsibilities of the Secretary under this section, the Secretary may require States to provide relevant information.

When the Secretary determines that an entity fails to substantially comply with the requirements of this act, whichever is applicable, the Secretary shall assist the entity through a technical assistance entity funded under section 106 or some other means, within 90 days of such determination, to develop a correction action plan. An entity that fails to develop a corrective action plan shall be subject to one of the following corrective actions selected by the Secretary: partial or complete fund termination; ineligibility to participate in the grant program in the following year; reduction in funding for the following year; or required redesignation of the lead agency or entity. The committee bill requires the Secretary to establish appeals procedures for entities that are found in noncompliance with the requirements of this act.

Not later than December 31 of each year, the Secretary must prepare and submit to the President and to the Congress a report on the program activities funded under this act, to improve the access of individuals with disabilities to assistive technology devices and assistive technology services. This report shall include informa-

tion on: (1) the demonstrated successes of the program activities in improving interagency coordination, streamlining access to funding for assistive technology, and producing beneficial outcomes for users of assistive technology; (2) the demonstration activities carried out through the program activities to promote access to such funding in public programs that were in existence on the date of the initiation of the demonstration activities; and establish additional options for obtaining such funding; (3) the education and training activities carried out through the program activities to train targeted individuals about assistive technology, including the awareness of funding through public programs for assistive technology; (4) the research activities carried out through the program initiatives to improve understanding of the costs and benefits of access to assistive technology for individuals with disabilities who represent a variety of ages and types of disabilities; (5) the program outreach activities to rural and inner-city areas that are carried out through the program activities; (6) the activities carried out through the program initiatives that are targeted to reach underrepresented populations and rural populations; and (7) the consumer involvement activities in the programs carried out under this act.

As soon as practicable, the Secretary shall include in the annual report information on the availability of assistive technology devices and assistive technology services. If the Secretary determines that a national classification system for assistive technology devices and assistive technology services has been developed as authorized in section 216 of the committee bill, the Secretary shall present such information in the report in a manner consistent with such a national classification system.

The committee bill specifies that this title may not be construed as authorizing a Federal or a State agency to reduce medical or other assistance available or to alter eligibility under any other Federal law.

#### SECTION 106—TECHNICAL ASSISTANCE PROGRAM

The committee bill authorizes the Secretary, through grants, contracts, or cooperative agreements awarded competitively, to establish a technical assistance program to assist and enhance the efforts of entities, principally entities funded under sections 101 through 104 of title I of the committee bill, to promote access to assistive technology devices and services to individuals with disabilities. The purpose of the technical assistance program is to address issues raised by States, individuals, protection and advocacy providers, and other organizations described in the committee bill. Technical assistance should be made available through a variety of mechanisms, as appropriate to meet the diverse needs of technical assistance recipients.

##### *Public input*

In designing the technical assistance program and in acknowledging the differences in functions between national and regionally based technical assistance efforts, the committee bill requires that the Secretary consider the input of the directors of State Assistive Technology Offices and other individuals the Secretary deems ap-

appropriate, especially individuals with disabilities who use assistive technology and understand the current barriers to the acquisition of such technology and assistive technology services; family members, guardians, and representatives of such individuals; and individuals employed by protection and advocacy systems funded under section 104 of the committee bill. This requirement may be met by receipt of comments solicited through the Federal Register.

#### *Functions*

Through this input the Secretary must provide for entities to: (1) address State-specific information requests concerning assistive technology from other entities funded under this title and public entities not funded under this title, including requests for state of the art, or model Federal, State, and local laws, regulations, policies, practices, procedures, and organizational structures, that facilitate, and overcome barriers to, funding for, and access to, assistive technology devices and assistive technology services; examples of policies, practices, procedures, regulations, administrative hearing decisions, or legal actions, that have or could enhance access to funding for assistive technology devices and assistive technology services for individuals with disabilities; effective approaches to Federal-State coordination of programs for individuals with disabilities, related to improving funding for or access to assistive technology devices and assistive technology services for individuals with disabilities of all ages; effective approaches to the development of consumer-controlled systems that increase access to, funding for, and awareness of, assistive technology devices and assistive technology services, including the identification and description of mechanisms and means that successfully support self-help and peer mentoring groups for individuals with disabilities; other requests for technical assistance from other entities funded under this title and public entities not funded under this title; and other assignments specified by the Secretary, including assisting entities described under section 105(b) of the committee bill to develop corrective action plans; (2) assisting targeted individuals by disseminate information about Federal, State, and local laws, regulations, policies, practices, procedures, and organizational structures, that facilitate, and overcome barriers to, funding for, and access to, assistive technology devices and assistive technology services, to promote fuller independence, productivity, and inclusion for individuals with disabilities of all ages; and technical assistance activities undertaken under this technical assistance program.

#### *National Public Internet Site*

Section 106(c) of the committee bill requires the Secretary to fund the establishment and maintenance of a National Public Internet Site for the purposes of providing to individuals with disabilities and the general public technical assistance and information on increased access to assistive technology devices, assistive technology services, and other disability-related resources.

To be eligible to receive a grant or enter into a contract or cooperative agreement to establish and maintain the National Public Internet Site, an entity must be an institution of higher education that emphasizes research and engineering and has a multidisci-

plinary research center and has demonstrated expertise in: (1) working with assistive technology and intelligent agent interactive information dissemination systems; (2) managing libraries of assistive technology and disability-related resources; (3) delivering education, information, and referral services to individuals with disabilities, including technology-based curriculum services for adults with low-level reading skills; (4) developing cooperative partnerships with the private sector, particularly with private sector computer software, hardware, and Internet services entities; and (5) developing and designing advanced Internet sites.

The Secretary shall require collaboration and coordination among technical assistance providers. In maintaining and updating information on the National Public Internet Site, the Site's operator shall gather information from the other entities providing technical assistance.

The National Public Internet Site must contain the following features: (1) The site must be designed so that any member of the public may obtain information posted on the site at any time. (2) The site must be constructed with an innovative automated intelligent agent that is a diagnostic tool for assisting users in problem definition and the selection of appropriate assistive technology devices and assistive technology resources. (3) The site must include access to a comprehensive working library on assistive technology for all environments, including home, workplace, transportation, education, and other environments; and with resources related to the largest possible number of disabilities, including resources related to low-level reading skills. (4) To the extent feasible, the site shall be linked to relevant private sector resources and information, under agreements developed between the institution of higher education and cooperating private sector entities.

At a minimum the National Public Internet Site shall maintain updated information on: (1) how to plan, develop, implement, and evaluate activities to further extend comprehensive statewide programs of technology-related assistance, including the development and replication of effective approaches to information and referral, interagency coordination, training and service delivery among both public and private entities, how to reach to underrepresented populations, including elderly and rural populations; and how to mount successful public awareness activities; and how to develop and replicate effective approaches to capacity building in service delivery, training of personnel from a variety of disciplines, and improve evaluation strategies, research, and data collection; (2) effective approaches to the development of consumer-controlled systems that increase access to, funding for, and awareness of, assistive technology devices and assistive technology services; (3) successful approaches to increasing the availability of public and private funding for and access to the provision of assistive technology devices and assistive technology services by appropriate State agencies; and (4) demonstration sites where individuals may try out assistive technology.

#### *Other Provisions*

The committee bill specifies that entities with documented experience with and expertise in assistive technology service delivery or

systems, interagency coordination, capacity building and advocacy activities, and developing and disseminating relevant information concerning assistive technology in accessible formats, are eligible to compete for funds under the technical assistance program. It is not the committee's intent that an entity must meet each one of the preceding criteria in order to receive funds under the technical assistance program. To be eligible to receive funds under the technical assistance program an entity shall submit an application to the Secretary at such time, in such manner, and containing such information, as the Secretary may require.

#### SECTION 107—AUTHORIZATION OF APPROPRIATIONS

Section 107 of the committee bill authorizes to be appropriated to carry out title I \$36 million in fiscal year 1999 and such sums as may be necessary for fiscal year 2000 through 2004. Section 107 includes three reservations of funds. (1) Beginning in fiscal year 2000 and every year thereafter, if the appropriation for title I exceeds \$40 million, the Secretary may reserve up to 5 percent of the funds for title I to funds grants under section 103. (2) In fiscal year 1999, the Secretary may use funds appropriated for title I to continue funding technical assistance initiatives funded in fiscal year 1998 under the Tech Act, if such initiatives would not have otherwise terminated in fiscal year 1999. (3) The Secretary may reserve, from amounts appropriated for any fiscal year under this title, such sums as the Secretary considers to be necessary for the purposes of conducting onsite visits as required by section 105(a)(2). Otherwise, depending on the level of appropriations, certain percentages apply with regard to funds available under the various grant programs.

If the amount appropriated for a fiscal year is less than \$33 million, 87.5 percent of the amount shall be reserved to fund grants under sections 101 and 102; 7.9 percent shall be reserved to fund grants under section 104; and 4.6 percent shall be reserved for activities funded under section 106. If the amount appropriated for a fiscal year is not less than \$33 million and is less than \$36 million, 85 percent of the amount shall be reserved to fund grants under sections 101 and 102; 11 percent shall be reserved to fund grants under section 104; and 4 percent shall be reserved for activities funded under section 106. If the amount appropriated for a fiscal year is not less than \$36 million, 80 percent of the amount shall be reserved to fund grants under sections 101, 102 and (to the extent described in the preceding paragraph) 103; 15 percent shall be reserved to fund grants under section 104; and 5 percent shall be reserved for activities funded under section 106.

Outlying areas may receive grants under any grant program. The amount of any such grant shall not exceed \$105,000.

#### Title II—National Activities

##### SECTION 201—COORDINATION OF FEDERAL RESEARCH EFFORTS

This section mandates increased coordination among Federal agencies and offices that are members of the Interagency Committee on Disability Research (ICDR), on disability, assistive technology, and universal design research. The committee recognizes

that to truly increase access to assistive technology for people with disabilities, the Federal Government must make the most efficient use of its resources. This section also authorizes funding for research projects that are jointly undertaken or administered by such agencies and offices. The committee expects ICDR members to use this section to enable members to take advantage of each other's information and abilities, to expend Federal resources more efficiently, and to improve research outcomes.

#### SECTION 202—NATIONAL COUNCIL ON DISABILITY

The committee believes that to establish the most effective Federal policies to increase access to assistive technology for people with disabilities, it is necessary to understand what are the current barriers to such policies. Therefore, the committee includes this section, which requires the National Council on Disability ("NCD") to report to Congress by December 31, 1999, on the barriers in Federal assistive technology policy to increasing the availability of and access to assistive technology devices and assistive technology services for individuals with disabilities.

The committee recognized in section 2(a)(7) of the committee bill that "[i]n the current technological environment, the line of demarcation between assistive technology and mainstream technology is becoming ever more difficult to draw." Therefore, the committee intends that NCD also address in its report and recommendations, barriers in Federal technology policy generally that affect the availability and access to technology generally for individuals with disabilities, including barriers related to the non-use of principles of universal design.

#### SECTION 203—ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

This section requires the Architectural and Transportation Barriers Compliance Board ("the Access Board"), beginning in fiscal year 2000, to provide such training as it deems appropriate, by whatever means it deems appropriate, to Federal and State employees concerning section 508 of the Rehabilitation Act of 1973. The committee believes that this section is essential to making Federal and State employees aware of their responsibilities to make their electronic and information technology accessible.

#### SECTION 211—SMALL BUSINESS INCENTIVES

The committee believes that in addition to increasing coordination at the Federal level, it is essential to improving access to assistive technology for the Federal Government to work with the private sector. This section authorizes the Secretary of Education to enter into contracts with small businesses to assist them with the design, development, and marketing of assistive technology devices and assistive technology services.

These contracts are to be administered according to the requirements of the existing Small Business Innovative Research ("SBIR") program, but neither are to be added to the overall amount of research and development that determines the Secretary's obligations

under that program, nor counted as part of the Secretary's satisfaction of those obligations.

This section also authorizes the Secretary to make grants to small businesses to work with entities that are funded by the Secretary to evaluate and disseminate information on the effects of technology transfer on the lives of individuals with disabilities, to utilize such services to bring new assistive technology devices and assistive technology services to market.

#### SECTION 212—TECHNOLOGY TRANSFER AND UNIVERSAL DESIGN

This section also furthers the committee's goal to increase coordination of Federal research efforts. It enhances the ability of the National Institute on Disability and Rehabilitation Research ("NIDRR") and the Federal Laboratory Consortium ("FLC") to work together to promote technology transfer that would further development of assistive technology and products that incorporate the principles of universal design.

This section also authorizes the Secretary of Education to make grants or enter into contracts with commercial or other organizations, including institutions of higher education, to enable such organizations to work with the FLC to increase technology transfer related to assistive technology and universal design.

With reference to section 212(b)(5), the committee recognizes the need for involvement of people with disabilities and assistive technology service providers in technology transfer, and encourages the Secretary to include demonstration projects and evaluations undertaken in unique educational and recreational settings with opportunities for intensive personalized training in and review of new products and services.

#### SECTION 213—UNIVERSAL DESIGN IN PRODUCTS AND THE BUILT ENVIRONMENT

The committee believes that an important part of assistive technology policy for the 21st century must be to encourage the development of products and aspects of the built environment that incorporate the principles of universal design. This section authorizes the Secretary of Education to make grants to commercial or other organizations, including institutions of higher education, for the research and development of universal design concepts for products and the built environment.

#### SECTION 214—OUTREACH

The committee believes that special efforts should be made to determine and address the assistive technology needs of populations which without such efforts would be less likely than others to receive the benefits of the committee bill, and the assistive technology needs of populations whose needs are likely to be unique. Therefore, this section authorizes the Secretary of Education to make grants, enter into cooperative agreements, or use other mechanisms, for projects designed to increase the availability of assistive technology for rural and impoverished urban populations, and for projects designed to increase the availability of assistive technology for children and older individuals.

The committee encourages the Secretary, in funding rural projects under this section, to include a focus on developing assistive technology solutions to overcome barriers to employment unique to rural work environments, such as agricultural production and processing.

To meet the needs of this country's growing elderly population, the committee encourages the Secretary, in funding projects for the elderly under this section, to include a focus on decreasing the impact and occurrence of disabilities, including age-related impairments, by increasing access to appropriate assistive technologies in the home.

The committee encourages the Secretary, in funding projects for children under this section, to address the integration of assistive technology into existing early intervention programs such as Head Start and early identification of children's assistive technology needs.

#### SECTION 215—TRAINING PERTAINING TO REHABILITATION ENGINEERS AND TECHNICIANS

The committee believes that an essential aspect of making assistive technology more accessible to people with disabilities is that there be enough individuals able to design, develop, and maintain assistive technology in consultation with people with disabilities and providers of assistive technology devices and services, including training individuals with disabilities to use and maintain their own equipment, so that use of such technology by individuals with disabilities in all areas of life is maximized. This section promotes that goal by authorizing the Secretary of Education to make grants, or enter into contracts with, public and private organizations, including institutions of higher education, to help prepare students for careers in assistive technology, and to help rehabilitation engineering faculty teach such students and other professionals and enhance their (the faculty's) own capabilities, including through in-service and pre-service training.

#### SECTION 216—ASSISTIVE TECHNOLOGY TAXONOMY

The committee believes that it is important to improve the reliability of information concerning assistive technology, and so this section requires the Secretary to report to Congress by December 31, 1999 on the benefits and obstacles to implementing a single assistive technology taxonomy already developed by the Secretary.

#### SECTION 217—PRESIDENT'S COMMITTEE ON EMPLOYMENT OF PEOPLE WITH DISABILITIES

As indicated, the committee believes that it is essential to involve the private sector in the effort of making assistive technology, and technology generally, more accessible to people with disabilities. This section authorizes the President's Committee on Employment of People with Disabilities to work with the private sector to increase the private sector's voluntary participation in making information technology accessible to individuals with disabilities.

## SECTION 218—AUTHORIZATION OF APPROPRIATIONS

The committee bill authorizes \$15 million to carry out title II for fiscal year 1999, and such sums as are necessary for fiscal years 2000 through 2004. Subsection (b) requires the Secretary of Education to reserve not less than—33 percent of appropriations to carry out section 201 (“Coordination of Federal Research Efforts”); 16 percent to carry out section 211 (“Small Business Incentives”); 4 percent to carry out section 212 (“Technology Transfer and Universal Design”); 8 percent to carry out section 215 (“Training Pertaining to Rehabilitation Engineers and Technicians”); and 10 percent to carry out section 217 (“President’s Committee on Employment of People with Disabilities”). The remainder of appropriations are to be divided among activities authorized under title II as determined appropriate by the Secretary.

## Title III—Alternative Financing Mechanisms

## SECTION 301—GENERAL AUTHORITY

The committee believes that an important way of making assistive technology more accessible to people with disabilities is to help States and outlying areas to work with people to help them purchase assistive technology to meet their needs. This section furthers that goal by requiring the Secretary of Education to award grants to States to pay for the Federal share (not to exceed 50 percent) of the cost of establishing and administering a program of alternative financing for individuals with disabilities and their authorized representatives to purchase assistive technology devices and assistive technology services.

## SECTION 302—AMOUNT OF GRANTS

This section establishes the amount of the grant that each State and outlying area may receive. It requires the Secretary of Education to make a grant to each outlying area of up to \$105,000, and to each State a grant of \$500,000, with 80 percent of excess funds to be divided among States according to population, and 20 percent of excess funds to be divided equally among States with a population density not more than 10 percent greater than the population density of the United States. This formula addresses the committee’s belief that after each State has received the minimum amount, excess funds should be distributed primarily according to population, but also in a way that recognizes the difficulties inherent in delivering services to more dispersed populations.

## SECTION 303—APPLICATIONS AND PROCEDURES

In order to ensure that grants will be administered in keeping with the findings and purposes of the committee bill, this section sets forth the assurances a State must make to receive funds under title III, including that the State will provide the non-Federal share of the cost of the program, will continue the program on a permanent basis, will emphasize consumer choice and control in the program, that funds provided for the program will not supplant funds already available for a similar purpose, and that various account-

ing and investment requirements will be followed in administering the program.

#### SECTION 304—CONTRACTS WITH COMMUNITY-BASED ORGANIZATIONS

In order to implement the committee's desire that these grants be administered with significant input from people with disabilities and organizations that represent them, this section requires a State that receives a grant under title III to enter into a contract with a community-based organization with individuals with disabilities involved in organizational decision making, to administer the alternative financing program. This section also requires the State to include in the contract any oversight and evaluation provision the Secretary of Education deems necessary to protect Federal financial interests, and that the contract require the community-based organization to enter into a contract with commercial lending institutions or a State financing agency, in administering the program.

#### SECTION 305—GRANT ADMINISTRATION REQUIREMENTS

In order to ensure that grants will be administered in keeping with the findings and purposes of the committee bill, this section requires a State, and any community-based organization that enters into a contract with a State under title III, to submit to the Secretary its policies and procedures concerning the timely review and processing of requests for financial assistance (including methods to minimize paperwork) for assistive technology, the provision of access to the alternative financing program to consumers regardless of type of disability, age, income level, location of residence in the State, or type of assistive technology requested, and consumer-controlled oversight of the alternative financing program.

#### SECTION 306—INFORMATION AND TECHNICAL ASSISTANCE

This section requires the Secretary of Education, directly or through grants, to provide information and technical assistance to States under title III.

#### SECTION 307—ANNUAL REPORT

To enable Congress to exercise its oversight responsibilities, this section requires the Secretary of Education to submit an annual report to Congress describing the progress of each alternative financing program funded under title III toward achieving title III's objectives. This section requires the report to include information on the number of grant applications received and approved, the amount of each grant, the amount of matching funds provided by each State, the type of alternative financing mechanisms used by each State and the community-based organizations contracted with by each State, and the amount of assistance given to consumers through each program (broken down by various categories, including type of disability and type of assistance provided).

#### SECTION 308—AUTHORIZATION OF APPROPRIATIONS

This section authorizes \$25 million to carry out title III for fiscal year 1999, and such sums as are necessary to carry out the title

for fiscal years 2000 through 2004. This section requires the Secretary to reserve 2 percent of any appropriations to provide technical assistance to States under this title.

#### Title IV Repeal and Conforming Amendments

##### SECTION 401—REPEAL

This section repeals the Technology-Related Assistance for Individuals with Disabilities Act of 1988.

##### SECTION 402—CONFORMING AMENDMENTS

This section contains various conforming amendments.

#### V. COST ESTIMATE

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, September 15, 1998.*

Hon. JAMES M. JEFFORDS,  
*Chairman, Committee on Labor and Human Resources,*  
*U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 2432, the Assistive Technology Act of 1998.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Christina Hawley Sadoti.

Sincerely,

JUNE E. O'NEILL, *Director.*

Enclosure.

##### CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

#### *S. 2432—Assistive Technology Act of 1998*

Summary: S. 2432 would repeal the Technology-Related Assistance for Individuals with Disabilities Act of 1988 (TRAIDA) and replace it with a similar program of grants aimed at increasing the availability of technology-related assistance for individuals with disabilities. In addition, S. 2432 would fund certain national activities in the assistive technology field and would make available funding for micro-loan programs that would help individuals finance assistive technology. These programs also are similar to those authorized under the TRAIDA. Enactment of S. 2432 would increase authorizations by \$40 million for 1999 and by \$344 million over the 1999–2003 period, not including adjustments for inflation. The bill would not affect direct spending or receipts and therefore would not be subject to pay-as-you-go procedures.

S. 2432 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995 (UMRA). Any costs to states resulting from enactment of the bill would be incurred voluntarily. The bill would not have any significant effects on the budgets of local or tribal governments.

Estimated Cost to the Federal Government: The estimated budgetary impact of S. 2432 is shown in the tables below.

The costs of this legislation fall within budget function 500 (education, training, employment, and social services).

TABLE 1.—ESTIMATED BUDGETARY EFFECTS OF S. 2432, WITHOUT ADJUSTMENTS FOR INFLATION  
[By fiscal year, in millions of dollars]

	1998	1999	2000	2001	2002	2003
SPENDING SUBJECT TO APPROPRIATION						
Authorizations Under Current Law:						
Estimated authorizations .....	36	36	0	0	0	0
Estimated outlays .....	36	36	11	1	0	0
Proposed Changes:						
Title I—State Grants:						
Estimated authorizations .....		36	36	36	36	36
Estimated outlays .....		25	35	36	36	36
Title II—National Activities:						
Estimated authorizations .....		15	15	15	15	15
Estimated outlays .....		11	15	15	15	15
Title III—Alternative Financing Mechanisms:						
Estimated authorizations .....		25	25	25	25	25
Estimated outlays .....		18	24	25	25	25
Title IV—Repeal of TRAIDA:						
Estimated authorizations .....		−36	0	0	0	0
Estimated outlays .....		−25	−10	−1	0	0
Total Changes:						
Estimated authorizations .....		40	76	76	76	76
Estimated outlays .....		28	64	75	76	76
Authorizations Under S. 2432:						
Estimated authorizations .....	36	76	76	76	76	76
Estimated outlays .....	36	64	75	75	76	76

Components may not sum to totals due to rounding.

TABLE 2.—ESTIMATED BUDGETARY EFFECTS OF S. 2432, INCLUDING ADJUSTMENTS FOR INFLATION

[By fiscal year, in millions of dollars]

	1998	1999	2000	2001	2002	2003
SPENDING SUBJECT TO APPROPRIATION						
Authorizations Under Current Law:						
Estimated authorizations .....	36	37	0	0	0	0
Estimated outlays .....	36	37	11	1	0	0
Proposed Changes:						
Title I—State Grants:						
Estimated authorizations .....		36	37	38	39	40
Estimated outlays .....		25	36	38	39	40
Title II—National Activities:						
Estimated authorizations .....		15	15	16	16	17
Estimated outlays .....		11	15	16	16	16
Title III—Alternative Financing Mechanisms:						
Estimated authorizations .....		25	26	26	27	28
Estimated outlays .....		18	25	26	27	27
Title IV—Repeal of TRAIDA:						
Estimated authorizations .....		−37	0	0	0	0
Estimated outlays .....		−26	−10	−1	0	0
Total Changes:						
Estimated authorizations .....		39	78	80	82	84
Estimated outlays .....		27	65	78	81	84
Authorizations Under S. 2432:						
Estimated authorizations .....	36	76	78	80	82	84
Estimated outlays .....	36	64	76	79	81	84

Components may not sum to totals due to rounding.

Basis of estimate: For each title, the bill would authorize specific amounts for fiscal year 1999 and “such sums as may be necessary” for fiscal years 2000–2004. Under the General Education Provisions Act (GEPA), these authorizations would automatically be extended for one year, through fiscal year 2005. The amounts authorized for fiscal year 1999 are used as the basis for estimating the amounts for subsequent years. Historical spending patterns of programs authorized under TRAIDA were used to estimate outlays for programs authorized by this bill.

Title I of S. 2432 would authorize \$36 million for 1999 and such sums as may be necessary for fiscal years 2000–2004 to continue state grant programs. Under this title, states that received funding under TRAIDA would be eligible to continue to receive funding for public awareness programs, interagency coordination, technical assistance, and training and outreach activities aimed at helping individuals with disabilities use assistive technology devices and services. In addition, this title would authorize grants for capacity building and advocacy related to assistive technology. Title I also would require the Secretary of Education to establish and maintain an Internet site that would provide information about assistive technology.

Title II would authorize national activities, including enhanced coordination responsibilities by the Interagency Committee on Disability Research. This title also would require the National Council on Disability to report to Congress on how federal policies create barriers to increasing the availability and access of technology to individuals with disabilities. In addition, title II would authorize the Secretary of Education to make grants to small businesses to assist them with the design, development, and marketing of assistive technology devices. Furthermore, the Secretary could make grants designed to increase technology transfers from the Federal Laboratory Consortium, to increase outreach, and to increase training of engineers and technicians involved in rehabilitative engineering. For these activities, the bill would authorize \$15 million for fiscal year 1999 and such sums as may be necessary for fiscal years 2000–2004.

Title III would authorize \$25 million for grants to provide alternative financing mechanisms for individuals with disabilities to purchase assistive technology devices and services. Uses for the grants may include programs to help with the purchase or lease of devices or services, as well as loan assistance.

Title IV would repeal the current program dealing with assistive technology. TRAIDA is authorized through fiscal year 1998, but under GEPA it is automatically extended for one fiscal year, through 1999. In fiscal year 1998, the programs authorized by TRAIDA received appropriations of \$36 million. This appropriation is the basis for estimating the amount authorized for fiscal year 1999. Therefore, repealing this act would reduce authorizations by \$36 million for fiscal year 1999, assuming no adjustments for inflation.

Pay-as-you-go considerations: S. 2432 would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply.

Intergovernmental and private-sector impact: S. 2432 contains no intergovernmental or private-sector mandates as defined in UMRA. The bill would repeal the Technology-Related Assistance for Individuals with Disabilities Act and would replace it with a similar program of grants to states. The new program would target assistance more than current law does by establishing four separate grant programs. (Current law consists of a single grant program.) The bill would also require states to place more emphasis on public awareness and outreach, interagency coordination, and technical assistance and training activities. CBO estimates that any costs to states from these changes would not be significant and would be the result of their voluntary participation in the program. The bill would not have any significant effects on the budgets of local or tribal governments.

Estimate prepared by: Federal cost: Christina Hawley Sadoti; impact on State, local, and tribal governments: Marc Nicole; impact on the private sector: Theresa Devine.

Estimate approved by: Paul N. Van de Water, Assistant Director for Budget Analysis.

## VI. APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

Section 102(b)(3) of Public Law 104–1, the Congressional Accountability Act, requires a description of the application of this bill to the legislative branch. S. 2432 provides assistance to States, other public and private entities, and the executive branch to create and expand access to assistive technology devices and services to individuals with disabilities. S. 2432 has no application to the legislative branch.

## VII. REGULATORY IMPACT STATEMENT

The committee has determined that there will be no increase in the regulatory burden imposed by this bill.

## VIII. SECTION-BY-SECTION ANALYSIS

### SECTION 1. SHORT TITLE

This section of the bill cites the title of this Act, “the Assistive Technology Act of 1998”.

### SECTION 2. FINDINGS AND PURPOSES

#### *2(a). Findings*

In subsection (a) Congress expresses that disability is a natural part of the human experience and in no way diminishes the right of individuals to live independently; enjoy self-determination and make choices; benefit from an education; pursue meaningful careers; and enjoy full inclusion and integration in the economic, political, social, cultural, and educational mainstream of American society. Access by individuals with disabilities to assistive technology devices and services and technology based on the principles of universal design, and their participation in the design and evaluation of technology will facilitate the realization of such goals.

### 2(b). *Purposes*

Subsection (b) describes the purposes of this Act: to assist States to maintain and improve their current statewide programs of technology-related assistance; to identify and eliminate Federal barriers to the provision of assistive technology devices and assistive technology services to individuals with disabilities; and to provide entities with funding for micro-loan programs to assist individuals finance assistive technology.

## SECTION 3. DEFINITIONS

This section provides the meanings of key terms in the Act. With the exception of a few additions, and selected clarifications and deletions, most definitions are taken from the Technology-Related Assistance for Individuals with Disabilities Act of 1988.

### TITLE I. STATE GRANT PROGRAMS

#### SECTION 101. CONTINUITY GRANTS FOR STATES THAT RECEIVED FUNDING FOR A LIMITED PERIOD FOR TECHNOLOGY-RELATED ASSISTANCE

##### 101(a). *Grants to States*

This subsection (a) directs the Secretary of Education to provide financial assistance to States that have received less than 10 years of funding under the Technology-Related Assistance for Individuals with Disabilities Act of 1988.

##### 101(b). *Use of funds*

Subsection (b) describes the mandatory and discretionary activities that a State that receives financial assistance through this section is to undertake.

*Mandatory activities.* Paragraph (2) describes the mandatory activities that a State, which receives funding under this section, must carry out: (1) a public awareness program, designed to provide information relating to the availability and benefits of assistive technology devices and assistive technology services; (2) inter-agency coordination that, through appropriate policies, improves access to assistive technology devices and assistive technology services to individuals with disabilities and results in improved coordination among public and private entities that are or could be responsible for policies, procedures, funding, or the provision of assistive technology devices and assistive technology services to these individuals; (3) technical assistance and training that promote access to assistive technology devices and assistive technology services to individuals with disabilities; and (4) outreach activities that support statewide and community-based organizations to assist individuals with disabilities, especially the elderly and rural populations, use assistive technology devices and assistive technology services.

*Discretionary activities.* Paragraph (3) describes discretionary activities that a State, which receives funding under this section, may undertake: (1) alternative State-financed systems that increase access to, and funding for, assistive technology; (2) demonstrations of assistive technology devices; (3) assistance to individuals with disabilities related to securing assistive technology de-

vices and assistive technology services; (4) a system for public access to information concerning an activity carried out under another paragraph of this subsection; (5) cooperative agreements with other States to expand the capacity of the States involved to assist individuals with disabilities of all ages to learn about, acquire, use, maintain, adapt, and upgrade assistive technology devices and assistive technology services or to operate or participate in a computer system through which the State may electronically communicate with other States to gain technical assistance in a timely fashion and to avoid the duplication of efforts already undertaken in other States; (6) partnerships and cooperative initiatives between the public sector and the private sector to promote greater participation by business and industry in the development, demonstration, and dissemination of assistive technology devices and the ongoing provision of information about new products to assist individuals with disabilities; and (7) paying for expenses, including travel expenses, and services, including services of qualified interpreters, readers, and personal care assistants, that may be necessary to ensure access to the comprehensive statewide program of technology-related assistance by individuals with disabilities who are determined by the State to be in financial need and not eligible for such services through another public agency or private entity.

*101(c). Amount of financial assistance*

Subsection (c) describes payments to States and outlying areas. States are to receive funding on the same basis as if funded under the Technology-Related Assistance for Individuals with Disabilities Act. A grant to any outlying areas is not to exceed \$105,000 in a fiscal year.

*101(d). The lead agency*

Subsection (d) describes the criteria and conditions that apply to the appointment and termination of a lead agency and the functions of the lead agency.

*101(e). Application supplement*

Subsection (e) specifies that any State seeking financial assistance under this section shall submit an application supplement to the grant it initially submitted under the Technology-Related Assistance for Individuals with Disabilities Act of 1988, at a time and for a period specified by the Secretary, containing certain information.

*Submissions.* Paragraph (1) requires the State to describe the goals the State has set; how the State will measure whether the goals set by the State have been achieved; how individuals with disabilities of all ages and their families were involved in—selecting the State’s goals, the activities to be undertaken in achieving the goals, and the measures to be used in judging if the State’s goals have been achieved; and how these individuals will be involved in assessing if the State’s goals have been achieved. Paragraph (1) also addresses how the Governor may redesignate the lead agency.

*Interim status of State obligations.* Paragraph (2) addresses the time period to be covered by the supplement.

*Continuing obligations.* Paragraph (3) requires that each State awarded funds under this section shall continue to abide by the assurances it gave in its initial application submitted under the Technology-Related Assistance for Individuals with Disabilities Act of 1988 and continue to comply with reporting requirements under that Act.

*Duration of application supplement.* Paragraph (4) describes the Secretary's responsibilities with regard and limitations that apply to the duration of application supplements.

*101(f). Options related to funding for fiscal years 1999 through 2004*

*Extensions.* Paragraph (1) specifies that, for a State that completes 10 years of funding under the Technology-Related Assistance for Individuals with Disabilities Act of 1988 in fiscal year 1998, the Secretary has the discretion to award a one-year extension for fiscal year 1999 to such a State if the State submits an application supplement and meets other related requirements of a State seeking financial assistance under this section. A State to which a one-year extension is granted, shall receive in fiscal year 1999 an amount equivalent to that which it received in fiscal year 1998 under the Technology-Related Assistance for Individuals with Disabilities Act of 1988.

*Challenge grants.* Paragraph (2) states that, one time only, in fiscal year 2000, any State eligible to receive funds under this section may opt to meet the conditions of and receive funding under section 102 in lieu of continuing to receive funding and meeting conditions under section 101. No State may receive funds under this section and section 102 for a fiscal year.

#### SECTION 102. STATE CHALLENGE GRANT PROGRAM

*102(a) Grants to States*

Subsection (a) specifies that the Secretary shall provide assistance to States for a period of five years to maintain and improve consumer-responsive comprehensive statewide programs of technology-related assistance for individuals with disabilities in accordance with the provisions of this section.

*102(b) Use of funds*

Subsection (b) describes the mandatory activities that State that receives a grant under this section must undertake.

*Mandatory activities.* Paragraph (2) describes that such activities must include: (1) interagency coordination that, through appropriate policies, improves access to assistive technology devices and assistive technology services to individuals with disabilities and results in improved coordination among public and private entities that are or could be responsible for policies, procedures, funding, or the provision of assistive technology devices and assistive technology services to these individuals; (2) the continuation and enhancement of a statewide information and referral system, including an accessible Website with linkages to other appropriate sites, such as the National Public Internet Site, for individuals with disabilities and service providers; (3) a public awareness program, designed to provide information relating to the availability and bene-

fits of assistive technology devices and assistive technology services; (4) capacity building and advocacy activities and technical assistance and training that promote access to assistive technology devices and assistive technology services to individuals with disabilities; and (5) outreach activities that support statewide and community-based organizations to assist individuals with disabilities use assistive technology devices and assistive technology services.

*Discretionary activities.* Paragraph (3) allows a State funded under this section to carry out additional activities authorized under the Technology-Related Assistance for Individuals with Disabilities Act, or other activities identified by the State or the Secretary, to which the Secretary gives approval.

*102(c). Amount of financial assistance*

Subsection (c) describes payments to States and outlying areas. Each State shall receive at least \$500,000 in a fiscal year. Remaining funds are to be distributed as follows: 80 percent allotted to a State based on its population in relationship to other State populations and 20 percent in equal shares to States with a population density that is not more than 10 percent greater than the national population density according to the most recent census. A grant to any outlying area is not to exceed \$105,000 in a fiscal year.

*102(d). State technology plan*

Subsection (d) requires that any State that desires to receive a grant under this section shall submit a plan that contains certain information and assurances.

*Designation of a public agency and State Assistive Technology Office.* Paragraph (1) requires a designation by the Governor and description of the public agency responsible for controlling the funds for carrying out activities funded under this section; requires a designation of the entity that is to be the State Assistive Technology Office (or Program) for carrying out activities under this section, if such entity is different than the public agency; and also specifies that the office perform certain functions.

*Involvement of entities and targeted individuals in the development and implementation of the grant.* Paragraph (2) requires a description of the nature and extent of involvement of various public and private entities in the preparation and the planned implementation of the grant and description of how targeted individuals, especially individuals who use assistive technology, were involved in the development and planned implementation of the grant.

*Advisory group.* Paragraph (3) requires a description of an advisory group of targeted individuals, a majority of whom are individuals with disabilities and parents of such individuals, who assist the State Assistive Technology Office, to identify the unmet assistive technology needs of individuals with disabilities, and assist the Office to decide how the assistive technology needs of such individuals will be addressed by the State.

*Needs assessment.* Paragraph (4) requires a description and the results of a needs assessment from which the goals described in paragraph (7) were derived.

*State resources.* Paragraph (5) requires a description of State resources and other resources that are available to commit to the maintenance of a consumer-responsive comprehensive statewide program of technology-related assistance.

*Electronic and information technology.* Paragraph (6) requires an assurance that the State, and any recipient of funds made available to the State under this section, no later than fiscal year 2001, shall have procurement policies and procedures in place that are consistent with the intent, complaint procedures, and standards under section 508 of the Rehabilitation Act.

*Goals and activities.* Paragraph (7) requires a description of the goals the State has set, how the State will measure whether the goals set by the State have been achieved, how individuals with disabilities of all ages and their families—were involved in selecting the State's goals, the activities to be undertaken in achieving the goals, and the measures to be used in judging if the State's goals have been achieved; and how these individuals will be involved in determining if the State's goals were met.

*Annual assessment.* Paragraph (8) requires an assurance that the State will conduct an annual assessment of the consumer-responsive comprehensive statewide program of technology-related assistance, in order to determine the extent to which the State's goals under paragraph (7), have been achieved; and the areas of need that require attention in the next year.

*Data collection.* Paragraph (9) requires a description of the data collection system used for compiling information on the program that is consistent with any standardized data collection requirements specified by the Secretary.

*Use of grant funds.* Paragraph (10) requires an assurance that amounts received under the grant will be expended in accordance with the provisions of this section.

*Supplement other funds.* An assurance that amounts received under the grant will be used to supplement, and not supplant, amounts available from other sources that are expended for technology-related assistance, including the provision of assistive technology devices and assistive technology services; and will not be used to pay a financial obligation for technology-related assistance (including the provision of assistive technology devices or assistive technology services) that would have been paid with amounts available from other sources if amounts under the grant had not been available.

*Control of funds and property.* Paragraph (12) requires an assurance that a public agency shall control and administer funds made available through the grant, and that a public agency shall hold title to and either the agency or an individual with a disability control property purchased with grant funds.

*Reports.* Paragraph (13) requires an assurance that the State will prepare reports to the Secretary in such form and containing such information as the Secretary may require to carry out the Secretary's functions under this section; and keep such records and allow access to such records as the Secretary may require to ensure the correctness and verification of information provided to the Secretary under this paragraph.

*Commingling of funds.* Paragraph (14) requires an assurance that amounts received under the grant will not be commingled with State or other funds. The term “commingling” shall not be construed to prevent, subject to documentation satisfactory to the Secretary, pooling of amounts received under the grant with other public or private funds to achieve a goal specified in the grant.

*Fiscal control and accounting procedures.* Paragraph (15) requires an assurance that the State will adopt such fiscal control and accounting procedures as may be necessary to ensure proper disbursement of and accounting for amounts received under the grant.

*Availability of information.* Paragraph (16) requires an assurance that the State will make available to individuals with disabilities and their family members, guardians, advocates, or authorized representatives information concerning technology-related assistance in a form that will allow such individuals to effectively use such information.

*Authority to use funds.* Paragraph (17) requires an assurance that the State Assistive Technology Office will have the authority to use funds made available through a grant made under this section.

*Training activities.* Paragraph (18) requires an assurance that the State will develop and implement strategies for including personnel training regarding assistive technology within other Federally-funded and State-funded training initiatives to enhance assistive technology skills and competencies of such personnel.

*Limit on indirect costs.* Paragraph (19) requires an assurance that the percentage of the funds received under the grant that is used for indirect costs shall not exceed 10 percent.

*Coordination with State councils.* Paragraph (20) requires an assurance that the State Assistive Technology Office will coordinate the activities funded through a grant made under this section with the activities carried out by other councils within the State.

*Other information and assurances.* Paragraph (21) requires an assurance that the State will provide such other information and assurances as the Secretary may reasonably require.

#### *102(e). Progress reports*

Subsection (e) requires each State that receives a grant under this section to submit annually to the Secretary a report that documents progress in meeting its goals described in paragraph (7) and maintaining a consumer-responsive comprehensive statewide program of technology-related assistance.

### SECTION 103. SUPPLEMENTARY MILLENNIUM GRANTS TO STATES FOR STATE AND LOCAL CAPACITY BUILDING

#### *103(a). Grants to States*

Subsection (a) describes a competitive grant program through which the Secretary shall make awards, for up to 5 years, to successful States to: (1) undertake Statewide capacity building activities, in collaboration with other public or private partners, to expand the capacity of the State to address the unmet assistive technology needs of individuals with disabilities; or (2) undertake local

capacity building, through a competitive subgrant process or other mechanism, so that local entities may address unmet needs for assistive technology and assistive technology services.

*103(b). Statewide capacity building activities*

Subsection (b) specifies that the Secretary may provide funds to a State that submits a successful supplement to a grant awarded under section 102, that elects to carry out one or more of the following activities: (1) obtain through State law or other equivalent means compliance among all public agencies with section 508 of the Rehabilitation Act; (2) review, document, develop and implement a plan for enhancing the participation of all individuals with disabilities of the State, in education, employment, transportation, communication, and general access in ways that complement and exceed what is required by public and private entities under the Americans with Disabilities Act of 1990; (3) develop and implement activities for incorporating the principles of universal design in the construction and renovation of facilities and information technology and telecommunications and other products and services such as transportation; (4) plan and adopt State personnel standards or professional certification procedures that apply to individuals who or entities that provide assistive technology services; (5) conduct evaluations of assistive technology devices and assistive technology; or (6) engage in another activity, pursuant to a priority announced by the Secretary.

*103(c). Local capacity building activities*

Subsection (c) describes the activities that a State may support through competitive subgrants to local entities: (1) creation and operation of a micro-loans and alternative financing programs; (2) creation and operation of equipment demonstrations; (3) creation and operation of equipment loan (both long and short term) programs; (4) creation and operation of an equipment recycling programs; (5) development and implementation of outreach and training, especially empowerment training; or (6) other initiatives, including model innovations, that meet an unmet local need related to assistive technology.

*103(d). Amounts of supplementary grants*

Subsection (d) describes the funding conditions that apply to supplemental grants. Subsection (d) specifies that any State that successfully competes and receives a grant that exceeds \$250,000 must make available non-Federal contributions in an amount not less than \$1 for every \$2 of the amount of grant funds that exceed \$250,000.

*103(e). Applications*

Subsection (e) describes the information and assurances associated with supplemental grants.

*Partners.* Paragraph (1) describes the information and assurances required with regard to grant partners.

*Targeted individuals.* Paragraph (2) describes how targeted individuals, especially individuals with disabilities who use assistive

technology, were involved in developing the grant and will be involved in grant activities.

*Data.* Paragraph (3) specifies that data that affected the selection of the focus of the grant must be included in the application.

*Resources.* Paragraph (4) requires a description of State resources and other resources that are committed to carry out the grant.

*Goals and activities.* Paragraph (5) requires a description of the goals of the supplementary grant the State has set, how the State will measure whether the goals set by the State have been achieved, how individuals with disabilities of all ages and their families—were involved in selecting the State’s goals, the activities to be undertaken in achieving the goals, and the measures to be used in judging if the State’s goals have been achieved; and how these individuals will be involved in determining if the State’s goals were met.

*Annual assessment.* Paragraph (6) requires an assurance that the State will conduct an annual assessment of progress the extent to which the State’s goals under paragraph (5), have been achieved; and the areas of need that require attention in the next year.

*Use of funds.* Paragraph (7) requires an assurance that amounts received under the grant will be expended in accordance with the grant application.

*Supplement other funds.* Paragraph (8) requires an assurance that amounts received under the grant shall be used to supplement and not supplant funds committed to any activity carried out under this grant.

*Reports.* Paragraph (9) requires an assurance that the grantee will prepare reports to the Secretary in such form and containing such information as the Secretary may require to carry out the Secretary’s functions under this section; and keep such records and allow access to such records as the Secretary may require to ensure the correctness and verification of information provided to the Secretary under this paragraph.

*Commingling of funds.* Paragraph (10) requires an assurance that amounts received under the grant will not be commingled with State or other funds. The term “commingling” shall not be construed to prevent, subject to documentation satisfactory to the Secretary, pooling of amounts received under the grant with other public or private funds to achieve a goal specified in the grant.

*Fiscal control and accounting procedures.* Paragraph (11) requires an assurance that the grantee will adopt such fiscal control and accounting procedures as may be necessary to ensure proper disbursement of and accounting for amounts received under the grant.

*Authority to use funds.* Paragraph (12) requires an assurance that, as specified in the supplementary grant, grant partners will have the authority to use funds made available through a grant made under this section.

*Limit on indirect costs.* Paragraph (13) requires an assurance that the percentage of the funds received under the grant that is used for indirect costs shall not exceed 10 percent.

*Other information and assurances.* Paragraph (14) specifies that the Secretary may reasonably require other information and assurances.

*103(f). Submissions*

*Joint submissions.* Paragraph (1) specifies that State may submit an application for funding of activities under this section when the State submits its State technology plan under section 102.

*Separate information.* Paragraph (2) requires that such a joint submission must distinguish between challenge grant and millennium grant activities and include a budget that separately reflects proposed expenditures for challenge and millennium grant activities for each fiscal year involved.

*103(g). Progress reports*

Subsection (g) specifies that a State that receives a supplementary grant and any other State or entity that receives a grant under this section shall submit annually to the Secretary a report that documents progress in meeting its goals described in subsection (e)(5), and any other information the Secretary may reasonably require.

SECTION 104. STATE GRANTS FOR PROTECTION AND ADVOCACY  
RELATED TO ASSISTIVE TECHNOLOGY

*104(a). Grants to States*

Subsection (a) requires the Secretary to provide financial assistance for a period of 6 years to an entity in each State to support protection and advocacy services to assist individuals with disabilities in the acquisition, utilization, or maintenance of assistive technology or assistive technology services.

*104(b). Amount of financial assistance*

Subsection (b) describes how grant funds shall be determined. Subsection (b) specifies that the minimum grant amount shall be \$50,000 for States and \$30,000 for outlying areas.

*104(c). Report to Secretary*

Subsection (c) requires an entity that receives a grant under this section to prepare an annual report and submit it to the Secretary.

*104(d). Reports and updates to State agencies*

Subsection (d) requires an entity that receives a grant under this section to submit, to the lead agency if the State is operating a grant under section 101 or to the State Assistive Technology Office if the State is operating a grant under section 102, the report it submits to the Secretary in subsection (c) of this section and quarterly updates of the activities described in subsection (c) of this section.

*104(e). Coordination*

Subsection (e) requires that the Secretary, upon making a grant under this section, to solicit and consider the opinions of the lead agency of the State, or the State Assistive Technology Office, as appropriate, with respect to efforts at coordination, collaboration, and outcomes between the lead agency or the State Assistive Technology Office, if they are separate entities, and the entity funded under this section.

## SECTION 105. ADMINISTRATIVE PROVISIONS

*105(a). Review of participating entities*

*In general.* Paragraph (1) specifies that the Secretary shall assess the extent to which entities that receive grants pursuant to this Act are complying with the applicable requirements of this Act and achieving the goals that are consistent with the requirements of the grant program under which the entities applied for Federal financial assistance.

*Onsite visits of States receiving certain grants.* Paragraph (2) specifies that the Secretary shall conduct, upon the Secretary's determination, an onsite visit of certain grantees and the timing of such visits.

*Advance public notice.* Paragraph (3) specifies that the Secretary shall provide advance public notice of the onsite visit and solicit public comment through such notice from targeted individuals, regarding State goals and related activities to achieve such goals funded through a grant made under section 102.

*Minimum requirements.* Paragraph (4) specifies that at a minimum the visits shall allow the Secretary to determine the extent to which the State is making progress in meeting its identified goals and maintaining a consumer-responsive comprehensive statewide program of technology-related assistance consistent with the purposes described in section 2(b)(1).

*Provision of information.* Paragraph (5) specifies that to assist the Secretary in carrying out the responsibilities of the Secretary under this section, the Secretary may require States to provide relevant information.

*105(b). Corrective action and sanctions*

*Corrective action.* Paragraph (1) specifies that if the Secretary determines that an entity fails to substantially comply with the requirements of this Act, the Secretary shall assist the entity through a technical assistance entity funded under section 106 or some other means, within 90 days of such determination, to develop a corrective action plan.

*Sanctions.* Paragraph (2) specifies that an entity that fails to develop a corrective action plan as described in paragraph (1) shall be subject to one of several corrective actions selected by the Secretary.

*Appeals procedures.* Paragraph (3) requires the Secretary to establish appeals procedures for entities that are found in noncompliance with the requirements of this Act.

*105(c). Annual report*

*In general.* Paragraph (1) requires that, not later than December 31 of each year, the Secretary shall prepare, and submit to the President and to the Congress, a report on the program activities funded under this Act, to improve the access of individuals with disabilities to assistive technology devices and assistive technology services.

*Contents.* Paragraph (2) describes the contents of the report.

*Availability of assistive technology devices and assistive technology services.* Paragraph (3) requires as soon as practicable, the

Secretary shall include in the annual report required by this subsection information on the availability of assistive technology devices and assistive technology services. If the Secretary determines that a national classification system for assistive technology devices and assistive technology services has been developed as authorized in section 216, the Secretary shall present such information in the report in a manner consistent with such a national classification system.

*105(d). Effect on other assistance*

Subsection (d) specifies that this title may not be construed as authorizing a Federal or a State agency to reduce medical or other assistance available or to alter eligibility under any other Federal law.

SECTION 106. TECHNICAL ASSISTANCE PROGRAM

*106(a). In general*

Subsection (a) specifies that, through grants, contracts, or cooperative agreements, awarded on a competitive basis, the Secretary is authorized to fund a technical assistance program to assist entities, principally entities funded under sections 101 through 104 of this title.

*106(b). Input*

In designing the program to be funded under this section, and in deciding the division of labor between national and regionally-based technical assistance efforts, the Secretary shall consider the input from individuals with disabilities and specific entities funded under this title.

*106(c). Scope of technical assistance*

*National Public Internet Site.* Paragraph (1) requires the Secretary to fund the establishment and maintenance of a National Public Internet Site that provides information about assistive technology. The entity selected to operate this site must meet specific criteria.

*Technical assistance efforts.* Paragraph (2) specifies that, through the input required in subsection (b) the Secretary shall provide for entities to address State-specific information requests concerning assistive technology from other entities funded under this title and public entities not funded under this title.

*106(d). Eligible entities*

Subsection (d) describes eligible entities for grants under this section as those with documented experience with and expertise in assistive technology service delivery or systems, interagency coordination, capacity building and advocacy activities.

*106(e). Application*

Subsection (e) requires that to be eligible to receive funds under this section an entity shall submit an application to the Secretary at such time, in such manner, and containing such information, as the Secretary may require.

## SECTION 107. AUTHORIZATION OF APPROPRIATIONS

*107(a). In general*

Subsection (a) authorizes to be appropriated to carry out title I, \$36 million in fiscal year 1999 and such sums as may be necessary for fiscal years 2000 through 2004.

*107(b). Reservation of funds*

*In general.* Paragraph (1), except as provided in paragraphs (2) through (4), specifies that if the amount appropriated for a fiscal year is less than \$33 million, 87.5 percent of the amount shall be reserved to fund grants under sections 101 and 102; 7.9 percent shall be reserved to fund grants under section 104; and 4.6 percent shall be reserved for activities funded under section 106. If the amount appropriated for a fiscal year is not less than \$33 million and is less than \$36 million, 85 percent of the amount shall be reserved to fund grants under sections 101 and 102; 11 percent shall be reserved to fund grants under section 104; and 4 percent shall be reserved for activities funded under section 106. If the amount appropriated for a fiscal year is not less than \$36,000,000, 80 percent of the amount shall be reserved to fund grants under sections 101, 102 and (to the extent described in the preceding paragraph) 103; 15 percent shall be reserved to fund grants under section 104; and 5 percent shall be reserved for activities funded under section 106.

*Conditions applicable to supplementary grants.* Paragraph (2) specifies that, beginning in fiscal year 2000 and every year thereafter, if the appropriation for title I exceeds \$40,000,000, the Secretary may reserve up to 5 percent of the funds for title I to funds grants under section 103.

*Reservation for continuation of technical assistance initiatives.* Paragraph (3) specifies that, in fiscal year 1999, the Secretary may use funds appropriated for title I to continue funding technical assistance initiatives funded in fiscal year 1998 under the Tech Act, if such initiatives would not have otherwise terminated in fiscal year 1999.

*Reservation for onsite visits.* Paragraph (4) specifies that the Secretary may reserve, from amounts appropriated for any fiscal year under this title, such sums as the Secretary considers to be necessary for the purposes of conducting onsite visits as required by section 106(a)(2).

## Title II—National Activities

*Subtitle A—Rehabilitation Act of 1973*

## SECTION 201. COORDINATION OF FEDERAL RESEARCH EFFORTS

The Interagency Committee on Disability Research (“ICDR”) is an existing committee of Federal agencies and offices that conduct research related to disability, the purpose of which is to coordinate such efforts to increase their effectiveness. This section strengthens that mandate and clarifies that the mandate includes research related to assistive technology and universal design. This section also

authorizes funding for research projects that are jointly undertaken or administered by ICDR members.

#### SECTION 202. NATIONAL COUNCIL ON DISABILITY

This section requires the National Council on Disability (“NCD”) to report to Congress by December 31, 1999, on the barriers in Federal assistive technology policy to increasing the availability of and access to assistive technology devices and assistive technology services for individuals with disabilities.

#### SECTION 203. ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

This section requires the Architectural and Transportation Barriers Compliance Board (“the Access Board”), beginning in fiscal year 2000, to provide training to Federal and State employees concerning section 508 of the Rehabilitation Act of 1973 (concerning procurement of accessible electronic and information technology).

#### *Subtitle B—Other National Activities*

#### SECTION 211. SMALL BUSINESS INCENTIVES

Subsection (b) authorizes the Secretary of Education to make grants to small businesses to assist them with the design, development, and marketing of assistive technology devices and assistive technology services. This subsection states that the grants shall be awarded and administered pursuant to the requirements of the existing Small Business Innovative Research (“SBIR”) program, but that such grants neither are to be added to the overall amount of research and development that determines the Secretary’s obligations under that program, nor counted as part of the Secretary’s satisfaction of those obligations.

Subsection (c) authorizes the Secretary to make grants to small businesses to work with entities that are funded by the Secretary to evaluate and disseminate information on the effects of technology transfer on the lives of individuals with disabilities, to utilize such services to bring new assistive technology devices and assistive technology services to market.

#### SECTION 212. TECHNOLOGY TRANSFER AND UNIVERSAL DESIGN

Subsections (b) and (d) enhance the ability of the National Institute on Disability and Rehabilitation Research (“NIDRR”) and the Federal Laboratory Consortium (“FLC”) to work together to promote technology transfer that would further development of assistive technology and products that incorporate the principles of universal design.

Subsection (c) authorizes the Secretary of Education to make grants or enter into contracts with commercial or other organizations, including institutions of higher education, to enable such organizations to work with the FLC to increase technology transfer related to assistive technology and universal design.

#### SECTION 213. UNIVERSAL DESIGN IN PRODUCTS AND THE BUILT ENVIRONMENT

This section authorizes the Secretary of Education to make grants to commercial or other organizations, including institutions of higher education, for the research and development of universal design concepts for products and the built environment.

#### SECTION 214. OUTREACH

Subsection (a) authorizes the Secretary of Education to make grants, enter into cooperative agreements, or use other mechanisms, for projects designed to increase the availability of assistive technology for rural and impoverished urban populations. Subsection (b) authorizes the Secretary of Education to make grants, enter into cooperative agreements, or use other mechanisms, for projects designed to increase the availability of assistive technology for children and older individuals.

#### SECTION 215. TRAINING PERTAINING TO ENGINEERS AND TECHNICIANS

This section authorizes the Secretary of Education to make grants, or enter into contracts with, public and private organizations, including institutions of higher education, to help prepare students for careers in assistive technology, and to help rehabilitation engineering faculty. Subsection (b) states that the activities authorized to be funded are training programs for individuals employed or seeking employment in rehabilitation engineering, rehabilitation engineering conferences, and the design and development of curricular materials for such training and conferences.

#### SECTION 216. ASSISTIVE TECHNOLOGY TAXONOMY

This section requires the Secretary to report to Congress by December 31, 1999 on the benefits and obstacles to implementing a single assistive technology taxonomy already developed by the Secretary (to improve the reliability of information concerning assistive technology), and authorizes the Secretary to enter into contracts or cooperative agreements in studying this issue.

#### SECTION 217. PRESIDENT'S COMMITTEE ON EMPLOYMENT OF INDIVIDUALS WITH DISABILITIES

This section authorizes the President's Committee on Employment of People with Disabilities to work with the private sector to increase the private sector's voluntary participation in making information technology accessible to individuals with disabilities.

#### SECTION 218. AUTHORIZATION OF APPROPRIATIONS

This section authorizes \$15 million to carry out title II for fiscal year 1999, and such sums as are necessary for fiscal years 2000 through 2004. Subsection (b) requires the Secretary of Education to reserve not less than—33 percent of appropriations to carry out section 201 ("Coordination of Federal Research Efforts"); 16 percent to carry out section 211 ("Small Business Incentives"); 4 percent to carry out section 212 ("Technology Transfer and Universal Design"); 8 percent to carry out section 215 ("Training Pertaining to

Rehabilitation Engineers and Technicians”); and 10 percent to carry out section 217 (“President’s Committee on Employment of People with Disabilities”). The remainder of appropriations are to be divided among activities authorized under title II as determined appropriate by the Secretary.

### Title III—Alternative Financing Mechanisms

#### SECTION 301. GENERAL AUTHORITY

Subsection (a) requires the Secretary of Education to award grants to States to pay for the Federal share of the cost of establishing and administering a program of alternative financing for individuals with disabilities and their authorized representatives to purchase assistive technology devices and assistive technology services.

Subsection (b) sets forth various types of loan and similar programs that may be established with funds under this section. Subsection (c) states that no State may receive more than one grant under title III. Subsection (d) states that the Federal share of the cost of any program under this section may not exceed 50 percent of the total cost.

#### SECTION 302. AMOUNT OF GRANTS

Paragraph (a)(1) requires the Secretary of Education to make a grant to each outlying area of up to \$105,000. Paragraph (a)(3) requires the Secretary to make a grant to each State of \$500,000, with 80 percent of excess funds to be divided among States according to population, and 20 percent of excess funds to be divided equally among States with a population density not more than 10 percent greater than the population density of the United States.

#### SECTION 303. APPLICATIONS AND PROCEDURES

Subsection (b) sets forth the assurances a State must make to receive funds under title III, including that the State will provide the non-Federal share of the cost of the program, will continue the program on a permanent basis, will emphasize consumer choice and control in the program, that funds provided for the program will not supplant funds already available for a similar purpose, that various accounting and investment requirements will be followed in administering the program, and that the percentage of grant funds used for indirect costs will not exceed 10 percent.

#### SECTION 304. CONTRACTS WITH COMMUNITY-BASED ORGANIZATIONS

This section requires a State that receives a grant under title III to enter into a contract with a community-based organization with individuals with disabilities involved in organizational decision making, to administer the alternative financing program. This section requires the State to include in the contract any oversight and evaluation provisions the Secretary of Education deems necessary to protect Federal financial interests. This section requires the contract to require the community-based organization to enter into a contract with commercial lending institutions or a State financing agency, in administering the program.

## SECTION 305. GRANTS ADMINISTRATION PROCEDURES

This section requires a State, and any community-based organization that enters into a contract with a State under title III, to submit to the Secretary its policies and procedures concerning the timely review and processing of requests for financial assistance (including methods to minimize paperwork) for assistive technology, the provision of access to the alternative financing program to consumers regardless of type of disability, age, income level, location of residence in the State, or type of assistive technology requested, and consumer-controlled oversight of the alternative financing program.

## SECTION 306. INFORMATION AND TECHNICAL ASSISTANCE

This section requires the Secretary of Education, directly or through grants, to provide information and technical assistance to States under title III.

## SECTION 307. ANNUAL REPORT

This section requires the Secretary of Education to submit an annual report to Congress describing the progress of each alternative financing program funded under title III toward achieving title III's objectives. This section requires the report to include information on the number of grant applications received and approved, the amount of each grant, the amount of matching funds provided by each State, the type of alternative financing mechanisms used by each State and the community-based organizations contracted with by each State, and the amount of assistance given to consumers through each program (broken down by various categories, including type of disability and type of assistance provided).

## SECTION 308. AUTHORIZATION OF APPROPRIATIONS

This section authorizes \$25 million to carry out title III for fiscal year 1999, and such sums as are necessary to carry out the title for fiscal years 2000 through 2004. This section requires the Secretary to reserve 2 percent of any appropriations to provide technical assistance to States under this title.

## Title IV—Repeal and Conforming Amendments

## SECTION 401. REPEAL

This section repeals the Technology-Related Assistance for Individuals with Disabilities Act of 1988.

The remainder of this title contains various conforming amendments.

## IX. CHANGES IN EXISTING LAW

In compliance with rule XXVI, paragraph, 12 of the Standing Rules of the Senate, the following provides a print of the statute or the part or section thereof to be amended or replaced (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

## Rehabilitation Act of 1973

\* \* \* \* \*

### DEFINITIONS

SEC. 6. For the purposes of this Act:

(1) \* \* \*

\* \* \* \* \*

(3) ASSISTIVE TECHNOLOGY DEVICE.—The term “assistive technology device” has the meaning given such term in [section 3(2) of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2202(2))], *section 6 of the Assistive Technology Act of 1998*, except that the reference in such section to the term “individuals with disabilities” shall be deemed to mean more than one individual with a disability as defined in paragraph (20)(A).

(4) ASSISTIVE TECHNOLOGY SERVICE.—The term “assistive technology service” has the meaning given such term in [section 3(3) of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2202(3))], *section 6 of the Assistive Technology Act of 1998*; except that the reference in such section—

\* \* \* \* \*

### INTERAGENCY COMMITTEE

SEC. 203. (a)(1) In order to promote coordination and cooperation among Federal departments and agencies conducting rehabilitation research programs, *including programs relating to assistive technology research and research that incorporates the principles of universal design*, there is established within the Federal Government an Interagency Committee on Disability Research (hereinafter in this section referred to as the “Committee”), chaired by the Director and comprised of such members as the President may designate, including the following (or their designees): the Director, the Commissioner of the Rehabilitation Services Administration, the Assistant Secretary for Special Education and Rehabilitative Services, the Secretary of Education, the Secretary of Veterans Affairs, the Director of the National Institutes of Health, the Director of the National Institute of Mental Health, the Administrator of the National Aeronautics and Space Administration, the Secretary of Transportation, the Assistant Secretary of the Interior for Indian Affairs, the Director of the Indian Health Service, and the Director of the National Science Foundation.

\* \* \* \* \*

(b)(1) After receiving input [from individuals with disabilities and the individuals’ representatives] *from targeted individuals*, the Committee shall identify, assess, and seek to coordinate all Federal programs, activities, and projects, and plans for such programs, activities, and projects with respect to the conduct of research (*including assistive technology research and research that incorporates the principles of universal design*) related to rehabilitation of individuals with disabilities.

(2) *In carrying out its duties with respect to the conduct of Federal research (including assistive technology research and research that incorporates the principles of universal design) related to rehabilitation of individuals with disabilities, the Committee shall—*

*(A) share information regarding the range of assistive technology research, and research that incorporates the principles of universal design, that is being carried out by members of the Committee and other Federal departments and organizations;*

*(B) identify, and make efforts to address, gaps in assistive technology research and research that incorporates the principles of universal design that are not being adequately addressed;*

*(C) identify, and establish, clear research priorities related to assistive technology research and research that incorporates the principles of universal design for the Federal Government;*

*(D) promote interagency collaboration and joint research activities relating to assistive technology research and research that incorporates the principles of universal design at the Federal level, and reduce unnecessary duplication of effort regarding these types of research within the Federal Government; and*

*(E) optimize the productivity of Committee members through resource sharing and other cost-saving activities, related to assistive technology research and research that incorporates the principles of universal design.*

**[(c) The Committee shall annually submit to the President and to the appropriate committees of the Congress a report making such recommendations as the Committee deems appropriate with respect to coordination of policy and development of objectives and priorities for all Federal programs relating to the conduct of research related to rehabilitation of individuals with disabilities.]**

*(c) Not later than December 31 of each year, the Committee shall prepare and submit, to the President and to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report that—*

*(1) describes the progress of the Committee in fulfilling the duties described in subsection (b);*

*(2) makes such recommendations as the Committee determines to be appropriate with respect to coordination of policy and development of objectives and priorities for all Federal programs relating to the conduct of research (including assistive technology research and research that incorporates the principles of universal design) related to rehabilitation of individuals with disabilities; and*

*(3) describes the activities that the Committee recommended to be funded through grants, contracts, cooperative agreements, and other mechanisms, for assistive technology research and development and research and development that incorporates the principles of universal design.*

**(d)(1) In order to promote coordination and cooperation among Federal departments and agencies conducting assistive technology research programs, to reduce duplication of effort among the programs, and to increase the availability of assistive technology for individuals with disabilities, the Committee may recommend activi-**

ties to be funded through grants, contracts or cooperative agreements, or other mechanisms—

(A) in joint research projects for assistive technology research and research that incorporates the principles of universal design; and

(B) in other programs designed to promote a cohesive, strategic Federal program of research described in subparagraph (A).

(2) The projects and programs described in paragraph (1) shall be jointly administered by at least 2 agencies or departments with representatives on the Committee.

(3) In recommending activities to be funded in the projects and programs, the Committee shall obtain input from targeted individuals, and other organizations and individuals the Committee determines to be appropriate, concerning the availability and potential of technology for individuals with disabilities.

(e) In this section, the terms “assistive technology”, “targeted individuals”, and “universal design” have the meanings given the terms in section 3 of the Assistive Technology Act of 1998.

#### RESEARCH AND OTHER COVERED ACTIVITIES

##### SEC. 204. (a)(1) \* \* \*

\* \* \* \* \*

(i) cooperate with programs established under [the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2201 et seq.)] *the Assistive Technology Act of 1998* and other regional and local programs to provide information to individuals with disabilities and the individuals’ representative to—

\* \* \* \* \*

(i) cooperate with State agencies and other local, State, regional, and national programs and organizations developing or delivering rehabilitation technology, including State programs funded under [the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C 2201 et seq.)] *the Assistive Technology Act of 1998*; and

\* \* \* \* \*

#### DUTIES OF NATIONAL COUNCIL

##### SEC. 401. (a) The National Council shall—

\* \* \* \* \*

(c)(1) Not later than December 31, 1999, the Council shall prepare a report describing the barriers in Federal assistive technology policy to increasing the availability of and access to assistive technology devices and assistive technology services for individuals with disabilities.

(2) In preparing the report, the Council shall obtain input from the National Institute on Disability and Rehabilitation Research and the Association of Tech Act Projects, and from targeted individuals, as defined in section 3 of the Assistive Technology Act of 1998.

(3) The Council shall submit the report, along with such recommendations as the Council determines to be appropriate, to the Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives.

\* \* \* \* \*

#### ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

##### SEC. 502. (a)(1) \* \* \*

\* \* \* \* \*

*(d) Beginning in fiscal year 2000, the Access Board, after consultation with the Secretary, representatives of such public and private entities as the Access Board determines to be appropriate (including the electronic and information technology industry), targeted individuals (as defined in section 3 of the Assistive Technology Act of 1998), and State information technology officers, shall provide training for Federal and State employees on any obligations related to section 508 of the Rehabilitation Act of 1973.*

[(d)](e)(1) The Access Board shall conduct investigations, hold public hearings, and issue such orders as it deems necessary to ensure compliance with the provisions of the Acts cited in subsection (b). Except as provided in paragraph (3) of [subsection (e)] *subsection (f)*, the provisions of subchapter II of chapter 5, and chapter 7 of title 5, United States Code, shall apply to procedures under this subsection, and an order of compliance issued by the Access Board shall be a final order for purposes of judicial review. Any such order affecting any Federal department, agency, or instrumentality of the United States shall be final and binding on such department, agency, or instrumentality. An order of compliance may include the withholding or suspension of Federal funds with respect to any building or public conveyance or rolling stock found not to be in compliance with standards enforced under this section. Pursuant to chapter 7 of title 5, United States Code, any complainant or participant in a proceeding under this subsection may obtain review of a final order issued in such proceeding.

\* \* \* \* \*

[(e)](f)(1) There shall be appointed by the Access Board an executive director and such other professional and clerical personnel as are necessary to carry out its functions under this Act. The Access Board is authorized to appoint as many hearing examiners as are necessary for proceedings required to be conducted under this section. The provisions applicable to hearing examiners appointed under section 3105 of title 5, United States Code, shall apply to hearing examiners appointed under this subsection.

\* \* \* \* \*

[(f)](g)(1)(A) In carrying out the technical assistance responsibilities of the Access Board under this section, the Board may enter into an interagency agreement with another Federal department or agency.

\* \* \* \* \*

[(g)](h)(1) The Access Board shall, at the end of each fiscal year, report its activities during the preceding fiscal year to the Congress. Such report shall include an assessment of the extent of compliance with the Acts cited in subsection (b) of this section, along with a description and analysis of investigations made and actions taken by the Access Board, and the reports and recommendations described in paragraphs (8) and (9) of such subsection.

\* \* \* \* \*

[(h)](i)(1) The Access Board may make grants to, or enter into contracts with, public or private organizations to carry out its duties under subsections (b) and (c).

\* \* \* \* \*

[(i)](j) There are authorized to be appropriated for the purpose of carrying out the duties and functions of the Access Board under this section such sums as may be necessary for each of the fiscal years 1999 through 2003.

#### SECRETARIAL RESPONSIBILITIES

SEC. 506. (a) \* \* \*

\* \* \* \* \*

(c) The Secretary, with the concurrence of the Access Board and the President, may provide, directly or by contract, financial assistance to any public or nonprofit agency, institution, or organization for the purpose of removing architectural, transportation, and communication barriers. No assistance may be provided under this subsection until a study demonstrating the need for such assistance has been conducted and submitted under [section 502(h)(1)] *section 502(i)(1)*

\* \* \* \* \*

#### PROTECTION AND ADVOCACY OF INDIVIDUAL RIGHTS

SEC. 509. (a) PURPOSE AND CONSTRUCTION.—

(1) PURPOSE.—\* \* \*

\* \* \* \* \*

(2) CONSTRUCTION.—This section shall not be construed to require the provision of protection and advocacy services that can be provided under [the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (42 U.S.C. 2201 et seq.)] *the Assistive Technology Act of 1998*.

\* \* \* \* \*

#### Stevenson-Wydler Technology Innovation Act of 1980

\* \* \* \* \*

(e) ESTABLISHMENT OF FEDERAL LABORATORY CONSORTIUM FOR TECHNOLOGY TRANSFER.—(1) There is hereby established the Federal Laboratory Consortium for Technology Transfer (hereinafter referred to as the “Consortium”) which, in cooperation with Federal Laboratories and the private sector, shall—

(A) \* \* \*

\* \* \* \* \*

(I) when requested, assist colleges or universities, businesses, nonprofit organizations, State or local governments, or regional organizations to establish programs to stimulate research and to encourage technology transfer in such areas as technology program development, curriculum design, long-term research planning, personnel needs projections, and productivity assessments[; and] ;

(J) seek advice in each Federal laboratory consortium region from representatives of State and local governments, large and small business, universities, and other appropriate persons on the effectiveness of the program (and any such advice shall be provided at no expense to the Government)[.] ; and

(K) *work with the Director of the National Institute on Disability and Rehabilitation Research to compile a compendium of current and projected Federal Laboratory technologies and projects that have or will have an intended or recognized impact on the available range of assistive technology for individuals with disabilities (as defined in section 3 of the Assistive Technology Act of 1998), including technologies and projects that incorporate the principles of universal design (as defined in section 3 of such Act), as appropriate.*

\* \* \* \* \*

### **Technology-Related Assistance for Individuals With Disabilities Act of 1988**

**[The Technology-Related Assistance for Individuals With Disabilities Act of 1988 is repealed.]**

\* \* \* \* \*

